

STATE OF CALIFORNIA

MEETING OF THE
CALIFORNIA INSPECTION & MAINTENANCE REVIEW COMMITTEE

Wednesday, March 24, 2004
Department of Consumer Affairs
400 'R' Street
Sacramento, California

MEMBERS PRESENT:

VICTOR WEISSER, CHAIR
NORM COVELL, VICE-CHAIR
PAUL ARNEY
DENNIS DeCOTA
JOHN HISSERICH
BRUCE HOTCHKISS
JUDITH LAMARE
MARK MARTIN
ROBERT PEARMAN
JEFFREY WILLIAMS

ALSO PRESENT:

ROCKY CARLISLE, Executive Officer
LYNN FORSYTH, Administrative Staff

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AFTERNOON SESSION

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P R O C E E D I N G S

CHAIR WEISSER: Ladies and gentlemen, if I could ask everyone to take our seats. Lynn, if you could turn on the recorder. Ladies and gentlemen, I'd like to welcome you to this Wednesday, March 24th, 2004, meeting of the Inspection and Maintenance Review Committee. I think as the first order of business what I'd like to do is ask our members to do brief self-introductions. I'm Vic Weisser, the chair of the IMRC. We'll move down to Mark.

MEMBER MARTIN: Mark Martin. I was appointed by Governor Davis to serve on the committee. I'm also an area director with Machinist's Union. I also have a background as a previous licensed smog technician and I've worked in the industry.

MEMBER HISSERICH: I'm John Hisserich, an appointee of Governor Davis. Work for the University of Southern California both as an administrator and faculty member. Happy to be a participant.

MEMBER WILLIAMS: I'm Jeffrey Williams. I'm a professor at UC Davis.

MEMBER DeCOTA: Dennis DeCota, I'm an appointee of Senator Burton and I represent the industry at large.

VICE-CHAIR COVELL: Norm Covell, air pollution control officer for the Sacramento Metropolitan Air Quality Management District. A

governor's appointee requires an air pollution control director in an area of the enhanced program.

CHAIR WEISSER: And also the vice-chair of the IMRC.

MEMBER ARNEY: Paul Arney, appointed by Governor Gray Davis and I work for the majority leader of the Assembly.

MEMBER LAMARE: I'm Jude Lamare. I manage the Cleaner Air Partnership. I was appointed by Senator John Burton to represent environmental perspective on the committee.

MEMBER HOTCHKISS: I'm Bruce Hotchkiss, I was appointed by a former speaker of the Assembly. I'm an employee of the Department of Consumer Affairs. I'm an automotive technician by trade and here I am.

CHAIR WEISSER: Thank you. Everyone got their name correct, we're off to a good start.

I will note that Mr. Pearman is expected to arrive here after lunch, he had some unavoidable business in the morning. Mr. Kracov has excused absence, he had some very important personal business to attend to, as does Mr. Skaggs. I believe that covers all of our members.

— o0o —

Our first order of business will be to review and approve the minutes for the meeting of

February 24, 2004. Members, have you had a chance to review the summary minutes?

Are there any suggestions for any changes to be made?

Is there a motion that we adopt those minutes?

MEMBER MARTIN: So moved.

CHAIR WEISSER: Moved by Mr. Martin. Is there a second?

MEMBER DeCOTA: Second.

CHAIR WEISSER: Seconded by Mr. DeCota. Is there any discussion?

MEMBER HOTCHKISS: I will be abstaining from the vote.

CHAIR WEISSER: Mr. Hotchkiss abstains from the voting on the minutes.

MEMBER HOTCHKISS: I wasn't here.

CHAIR WEISSER: Mr. Hotchkiss was not here, but of course he reviewed the transcript –

MEMBER HOTCHKISS: Yes.

CHAIR WEISSER: – so he's familiar with what occurred at our last meeting.

Hearing no further discussion, all in favor of adopting the minutes please signify by saying aye.

IN UNISON: Aye.

CHAIR WEISSER: Are there any opposed?
Hearing none, the minutes are so adopted.

Our next scheduled activity would be the report of our executive officer's activities since our last meeting, but I'd like to take this opportunity to introduce to the members and the audience the new acting director of the Bureau of Automotive Repair, Mr. James Goldstene.

James, if you'd like to stand up. I think folks have seen you here. James has an illustrious career serving the people of California from a variety of positions within the Department of Consumer Affairs. I believe you were also on the legislative staff for awhile.

MR. GOLDSTENE: That's right.

CHAIR WEISSER: And also served the executive branch at a high level; is that not correct, James?

MR. GOLDSTENE: That is correct.

CHAIR WEISSER: And you're forgiven for all your past sins, and we welcome you on board and offer whatever assistance we can do in dealing with a difficult transition. A challenge. A challenging time for all state agencies, and with the transition that adds even further dimensions to your job.

Members of the committee and members of the audience, we also expect to have a visit from Charlene Zettel, who has been named by Governor Schwarzenegger

as the secretary for the Consumer Services Agency?
How did I butcher that?

MEMBER DeCOTA: Department of Consumer
Affairs.

CHAIR WEISSER: The Department of Consumer
Affairs. And I'm looking forward for Ms. Zettel to
come down. I know her; she's quite wonderful. I
think everyone will find her to be a very, very
helpful person in that position.

— oOo —

With that, I'd like to ask our executive
officer Rocky Carlisle to give us a report on his
activities.

MR. CARLISLE: Mr. Chairman, at the last
meeting there were a number of things the committee
requested from me, and so (inaudible) on some of those
things and the results of my findings anyway.

One thing where you requested a policy
regarding the retention of audio tape recordings. One
has been drafted, it's been reviewed by legal. They
had a couple of edits to it, but you have a copy, and
so at some point during the day I respectfully request
the committee's approval for that and we'll put that
into our evolving policies and procedures manual.

CHAIR WEISSER: Rocky, is there any reason
why right now we shouldn't take a break and allow the

committee members to review it and discuss it and perhaps take action on that?

MR. CARLISLE: Not at all.

CHAIR WEISSER: It's on tab two of your binder. It's two paragraphs long, so if I could ask the committee members to turn to that document and look at it and see whether or not it meets their desires.

Rocky, are there copies available for the audience?

MR. CARLISLE: I don't think so.

CHAIR WEISSER: No. In the future when we do something like this I think it's important that we provide copies for the audience, and lacking that, I'm going to give my copy to the first person that raises their hand. Larry raised his hand first. Would you pass that on to Charlie when you're done?

MR. CARLISLE: If anybody would like a copy they could certainly see me at the break and I'll make sure they get a copy.

CHAIR WEISSER: I wanted to have it reviewed and discussed and take action on it, so we're going to move. Can I look over your shoulder? In fact, if you would indulge me, to help other members of the audience I'm going to read it. It's short enough to be read and it's quite boring. And here it goes.

"IM
RC policy
for the
maintenance
and
retention of
audio
recordings
of monthly
meetings.

"It
is the
policy of
the
California
Inspection
and
Maintenance
Review
Committee to
record the
events and
proceedings
of each
meeting on
an audio
recording

device. The
committee
shall
maintain
either the
original
recording of
the meeting,
if possible,
or
electronical
ly encrypted
copies of
the audio
recording
for a period
of three
years from
the date of
the meeting.
Where an
electronical
ly encrypted
copy of the
audio
recording is
to be

maintained
instead of
the original
recording,
the original
recording
shall not be
erased or
destroyed
until either
the
committee
has approved
written
minutes of
the meeting
or 30 days
after the
meeting,
whichever
occurs last.
After 3
years has
elapsed
since the
recording
was made,

the
recording
will be
destroyed
unless it or
the meeting
which it
recorded is
relevant to
or the
subject of
litigation
of
controversy,
in which
case the
recording
shall be
maintained
until the
litigation
or
controversy
has been
resolved or
completed.

"It shall be the responsible of the committee's executive officer to ensure proper retention of the audio recordings until such time as the recording is destroyed. A request to inspect the audio recordings of a meeting shall be made in accordance with the California Public

Records Act
(commencing
with section
6250 of the
Government
Code). Upon
a written
request to
inspect an
audio
recording of
a committee
meeting,
committee
will make a
tape player
available to
the
requestor at
no charge.
If a party
wishes to
procure a
copy of the
recording,
the
committee

will provide
a copy upon
payment of
the direct
cost of
duplication.
Currently
the cost for
duplicate
recordings
is \$15."

That concludes the proposed policy for
retention of documents.

Rocky, I don't understand one thing. This
encrypted recording, that is a function of the
existing tape system; is that correct?

MR. CARLISLE: No, not necessarily. The new
system that we're in the process of purchasing records
electronically but it can only be played back using
the original software that will be on only the one
laptop that we have. If we make a copy of it, it
won't be -- it encrypts it so it can't be modified,
changed, erased or anything like that.

CHAIR WEISSER: Everybody understands that?
Are there other questions to Rocky? Any conversation
that the committee would like to have on this? I'd

like to ask if there are any comments from members of the public. Mr. Peters.

MR. PETERS: Mr. Chairman and committee, my name is Charlie Peters (inaudible). Previous activities of the committee, before your time Mr. Weisser, there was a meeting that took place, three members of the committee in San Jose (inaudible) week or two later here in Sacramento, and some of those issues were discussed at the IMRC Inspection and Maintenance Review Committee in El Monte. One member of the committee asked for a copy of the tape of that meeting because one of the people that testified there asked to make changes to their testimony and he wanted to hear what they had to say is what was indicated the way I understood it.

He found that three of the five tapes were blank and that two of the remaining tapes had spots missing. That was the attorney general got involved and it was reported in the Vacaville newspaper, it was reported on ABC in San Francisco and created quite a debate.

I think that the meetings that take place here are extremely important and maintaining that record I think is of utmost importance. What happened with that particular set of tapes was that the validity of the tapes was discredited because one member of the committee had sole control of the tapes

for a period of time, and so they said, well, gee whiz, we can't really say what happened here, so oh well.

So I think that the recordings are important. I think they need to be maintained on a permanent basis and they need to be accessible to the public because I think that the things that you're dealing with greatly affect the air, greatly affect the regulatory process of the State of California, and it's important to appropriately record and maintain for review at any time that's appropriate, so I would strongly urge consideration of review and modification of this policy to incorporate those kinds of areas. Thank you.

CHAIR WEISSER: Thank you, Mr. Peters. Mr. Armstrong.

MR. ARMSTRONG: Yes, my name is Larry Armstrong. I'll be brief, but I was also had access to some of the investigative information from the situation that Mr. Peters was describing. I'll make one minor correction to what he said. The tapes appeared to be nothing on them, except that when a professional checked it they said that the - I could have it backwards, but they said that the original had been taped in mono and somebody had taped over silence in stereo or the reverse of that, so there was some

evidence that somebody had been playing with those tapes.

So I will second my concern. I think this committee has an obligation and a responsibility to keep good accurate records, and anything that you have that can be maintained that probably is not a big expense should be maintained to protect yourselves and to protect the public.

CHAIR WEISSER: Thank you. Are there any other public comments on this? Are there any discussion items from the members of the committee in response to the audience remarks? Mr. Covell.

VICE-CHAIR COVELL: I guess I'd have a question for Rocky regarding the equipment. The two folks we've heard from I think speak to an important point, having been a member of the committee during the time that this was an issue. It is important that we maintain a complete and accurate record of the transactions of the meeting.

I guess the question would be, Rocky, based on the integrity of this equipment and the planned retention of this equipment and subsequent requests for the tapes or the disk. I guess it would be a disk?

MR. CARLISLE: Disk, yes.

VICE-CHAIR COVELL: This will be maintained, I guess, by a single individual who perhaps holds your position?

MR. CARLISLE: Either that or we could have a bank, yeah. But yes.

VICE-CHAIR COVELL: And if anybody requests to review the disk, a member of the committee or a member of the public, they'd be given that opportunity?

MR. CARLISLE: Yes.

VICE-CHAIR COVELL: Not being a techie, can we set this thing up so that when that disk is given out for review by anybody, it can only be reviewed and there's no opportunity to alter that disk when it's in the presence of somebody else?

MR. CARLISLE: In fact, once they receive the disk they can't. That's the beauty of encryption, they can't alter it in any way. Even once it's recorded, when you hit stop it automatically protects that audio recording from any changes, so it's completely protected from that perspective.

VICE-CHAIR COVELL: So I'd be given to understand, then, that based on the advances in technology and the integrity of this process that we propose to utilize, it's pretty much going to guard against and make impossible incidences like these folks have alleged occurred previously.

MR. CARLISLE: Yes. Of course, remember we're dealing with technology and anything's possible.

VICE-CHAIR COVELL: I know. But being responsible, I think, for the actions that this committee takes, it is important that we maintain a record that is complete and accurate.

MR. CARLISLE: I would agree. And we also, you know, we continue to have the transcripts. I've asked about various parties' use of the transcripts and everybody appears to like those as well, so we'll have a redundancy there automatically.

VICE-CHAIR COVELL: Okay, thank you.

CHAIR WEISSER: We'll start at the left.
Mr. Martin.

MEMBER MARTIN: Rocky, I guess one question I have is, why are we limiting the retention of those types of recordings to three years and what would the cost be of maintaining those records, maybe not indefinitely but for a large segment of the foreseeable future? The smog program in itself has been in place for 15 to 20-plus some-odd years and there could be something that would come up 5, 10 years down the road where we might need to reflect on not just what's been written in the transcript but that could be subject to a little bit of interpretation if we add in the way something is

coached and phrased that you can't get off of a written transcript.

MR. CARLISLE: In all honesty, three years just sounded like the right number. I mean, a lot of records are destroyed after three years, and so I just used that to stay in line with everything else, but it could be anything the committee wants. I mean, it can be (inaudible) if you like. It certainly doesn't cost anything.

CHAIR WEISSER: Mr. Hisserich.

MEMBER HISSERICH: Forgive me, I was unable to attend last month's meeting, but what is the current situation, is there a policy? And if there is not, how long do we retain whatever records we have, recorded records?

MR. CARLISLE: Currently there is no policy. We have recordings back to 1992.

MEMBER HISSERICH: Well, if we adopt this would all of those be destroyed?

MR. CARLISLE: That was my intent, but I wouldn't destroy them without prior approval of the committee.

The other thing to consider with the audio tapes, they're acetate and they deteriorate over time, so some of those may already be unreadable by the recorder.

MEMBER HISSERICH: Is there a big storage problem keeping all that?

MR. CARLISLE: No, it's basically one perma-pack box at this time.

CHAIR WEISSER: Excuse me, one what?

MR. CARLISLE: Perma-pack box, you know, a storage box.

MEMBER HISSERICH: Because as Mr. Martin points out, three years, given the nature of the program, and I understand it was an arbitrary thing, but we might want to take a look at holding them a bit longer. I don't have a particular number in mind, but discuss it.

CHAIR WEISSER: Rocky, to your knowledge is there a state policy that mandates records be destroyed?

MR. CARLISLE: No, not to my knowledge. The only government code I can think of offhand is if you do in fact record a public meeting, you have to maintain it for 30 days, after that it can be erased.

CHAIR WEISSER: Mr. Williams?

MEMBER WILLIAMS: I'm rather more concerned about the situation where we thought we were recording the meeting but in fact no record was actually happening. I remember rather too well a friend's wedding where the photographer took a lot of pictures but had forgotten to put any film in his camera. Such

things allow for the best intentions to go wrong here. What would be our policy if by chance the recording never existed as we thought it did? We can't go back and put all of our statements on the record again.

MR. CARLISLE: The best we could do at that point would be to rely on notes. We don't have a redundancy built in. To my knowledge, other than the incident that Mr. Peters and Mr. Armstrong spoke of, I don't know that we've ever had another problem. We have had some clarity problems with the previous recorder. The current one is not a problem.

CHAIR WEISSER: Are there any further comments? Rocky, one technical question. The recording goes directly onto a computer or does it go onto a DVD or a CD?

MR. CARLISLE: It goes directly to the hard drive of the computer.

CHAIR WEISSER: And from there you save it, it becomes encrypted, and you can transfer it to a -

MR. CARLISLE: Automatically copy it to a CD.

CHAIR WEISSER: To a CD. And it would be that CD that you'd give out to the public when someone wanted a copy?

MR. CARLISLE: Right.

CHAIR WEISSER: And once it is saved there's no chance for changing it, correct?

MR. CARLISLE: Right.

CHAIR WEISSER: So one could copy it to a CD. That CD become the saved item and retained in one of those boxes. You wouldn't need to use up your computer hard drive space for this?

MR. CARLISLE: No.

CHAIR WEISSER: Thank you. I'd like to entertain a motion for the adoption of the -- in fact, I would like to make a motion for the adoption of the policy and I'd like somebody to second that, and then I'd like somebody to propose an amendment to the motion so that the recordings are maintained in perpetuity until otherwise ordered destroyed by a higher authority.

COMMITTEE MEMBER: I'll second that motion, and if you want me to I'll go ahead and do it because I agree that perpetuity would probably be the appropriate thing, because I'm struck here by the idea of litigation or controversy. Well, litigation has a beginning and end, controversy can go on forever, so kind of picking out those parts of it that we could cause controversy to retain. So suffice to say, I think we should maintain it in perpetuity, presumably, and I won't tell you how to do it technically, but presumably on that CD disk that you described.

CHAIR WEISSER: Okay, there's been a motion to adopt an IMRC policy which reads quite similar to

the one that's been placed before you, but the timeframe for retention of the records will be changed from 30 days or 3 years, depending upon how you read this, to in perpetuity or until ordered by an appropriate authority they will be retained. Is there a second to that motion?

MEMBER DeCOTA: Second.

CHAIR WEISSER: Mr. DeCota seconds. Is there any discussion on that motion? Hearing none, all in favor of adopting that motion please signify by saying aye.

IN UNISON: Aye.

CHAIR WEISSER: Are there any opposed? Hearing none, the motion is adopted.

— oOo —

Rocky, would you please continue now with your executive officer's report?

MR. CARLISLE: Yes, sir. And this rate I hope to be done by noon.

Second item, the committee requested that ARB, BAR and IMRC staff need to discuss the possibility of additional staffing for remote sensing. We did meet on March 9th and Mr. Weissner was on conference call, there were two additional people from ARB and Sal Delmonte in our conference and it was discussed and (inaudible) going to hire or at least attempt to hire additional student assistants to fill

some of these positions so they can put at least one more remote sensing unit, maybe two, on the roadside.

Another issue was the work plan that the committee requested with regard to the program evaluation. I have drafted a work plan. In all honesty, this is a work in progress, it certainly needs some additional work. I would also suggest it may be too large in size to accomplish between now and December 2004.

CHAIR WEISSER: Rocky, what I'd suggest is that on that item you just say what you've just said and then we'll go into further discussion when we move into IMRC focus and priorities.

MR. CARLISLE: In addition, a work plan was requested from the BAR with regard to the joint ARB/BAR remote sensing study, and that will be forthcoming, they are working on it and I suspect we'll get it next week.

Data was requested from ARB illustrating emission contribution from the vehicle fleet by model year. I spoke with Sylvia this morning, that is in the final review process, and again, as soon as I get it this week I'll email it to the committee.

Data was also requested from ARB relative to the emissions contribution from vehicles and the total reduction, and in your packet you do have that information which arrived yesterday.

CHAIR WEISSER: Where is it?

MR. CARLISLE: It's probably under miscellaneous, because there was a lot of information that came in at the last minute and we really didn't have anywhere to put it.

MEMBER MARTIN: Rocky.

MR. CARLISLE: Yes, sir?

MEMBER MARTIN: Is this the document you're speaking of?

MR. CARLISLE: Yes. It's in the front pocket.

CHAIR WEISSER: Got it. Thanks.

MR. CARLISLE: The committee also requested tracking of Smog Check related legislation. I did complete a spreadsheet. Part of that was originally supplied by the Bureau of Automotive Repair. I adapted it a little bit and late yesterday afternoon I did update it because there was some action on a number of bills that have been moved to committee, so you have that in your packet as well.

CHAIR WEISSER: Where is that, Rocky?

MR. CARLISLE: Front pocket? Oh, in miscellaneous. You all know these binders are done at least two days prior to the meeting so they're a little bit better organized, but we were receiving information up until five o'clock last night, so

that's the reason some of it's in the front pocket and some of it's under miscellaneous.

Another item the committee requested that I review the 43 priorities created in February 2003, these are the IMRC priorities and concerns, and attempt to consolidate them. I did so, and the best I could determine there's actually 14 separate issues. One was discarded because it referred to consumer outreach and information for the consumer, and that's already in law 44070 and 44070.5 of the Health and Safety Code require that the Bureau of Automotive Repair and the Air Resources Board provide information to consumers with regard to emissions (inaudible) and the Smog Check Program.

You also requested information on remote studies. I've downloaded a number of studies but I'm trying to provide a synopsis for the committee, so I will forward you that information as soon as I finish it.

You also requested a copy of the BAR budget. That is also in the packet. That has the BAR budget in addition to the part of the DCA budget.

Other activities included finalizing the requirements for the office relocation. That is now finalized, and I understand this morning that the rent was going to go below \$500 a month, so that's an effective savings of \$1200 a month. In addition to

extra phone lines and DSL service and everything else we need at the current location (inaudible).

As I mentioned earlier, we have ordered a new recording system and I hope to have that in place by the next meeting in April.

And last but certainly not least, during the month I created a data information tracking log that essentially listed the questions back to the September meeting of last year and I forwarded that to the Bureau of Automotive Repair. Late yesterday afternoon I did get a response that all but one or two items have been responded to, and it's not in the original format. Like I say, it came in late yesterday afternoon so I didn't have a chance to put it on the original document, but it is pretty easy to see the questions on the left side, responses on the right.

One of the items you did request from BAR was information relative to missing vehicles, unregistered vehicles, and they did in this packet here they have sent that. That was a CCERT research project done in 2002. Just kind of a real quick recap. One of the things it identifies is that the incidence of unregistered vehicles, I believe, unregistered in the short term, 2.43 percent. Short term is defined as less than three months. Long term is defined as three months to two years, that's .95 percent. And chronic, which is greater than two

years, is .03 percent. It is a long report but it does have some information in it with regard to missing vehicles in various counties as well.

The missing vehicles and unregistered vehicles varied by county. The lowest percentage rate is zero in some of the counties and the highest was, I believe, 6.45 percent, and part of that was due to possibly small sample sizes.

And that, Mr. Chairman, concludes my report.

CHAIR WEISSER: Rocky, this report you last recently mentioned is three-quarters or half an inch thick.

MR. CARLISLE: Yes.

CHAIR WEISSER: And I'm am interested in this issue so I'm going to review it and I may have further questions on the methodology and findings that I'll call you directly on.

MR. CARLISLE: Okay.

CHAIR WEISSER: Rocky, you went through a whole series of items just now pretty fast. You did a lot of work between our last meeting and today. I'm particularly pleased with the request for data information form. This should make it easy for the IMRC and BAR and also ARB to keep track and make sure we don't get sideways with each other. And I'm pleased that you were able to respond as quickly as you did considering the limited amount of time

(inaudible) that you had, Rocky, so thank you, that's very much appreciated.

Are there questions or comments on anything else Rocky said from the committee? Mr. Covell.

VICE-CHAIR COVELL: Yeah, thank you, Rocky, for all this. Unfortunately, it does tend to generate questions. Looking at the bureau's budget page here, as I would understand this, this is the budget for the entire Bureau of Automotive Repair operations of which the Smog Check Program is a subset?

MR. CARLISLE: Correct.

VICE-CHAIR COVELL: And is there any way based on the data that's been given us that it's possible to break out what the Smog Check Program costs the bureau to operate separate from the other activities undertaken by the bureau?

MR. CARLISLE: I'm afraid I'd have to defer that to the chief.

CHAIR WEISSER: Mr. Covell — come on up, James, but I'm going to ask you're working up make this statement. The issue of monies coming into the program from registration fees, smog certificates and whatnot is one that I'm going to suggest we might want to track as part of our review. Just do a review of what's come in and where it's gone and how it's being used so we get a good sense of the flow of the money,

which of course has become more complex since the state's fiscal crisis has erupted.

James?

MR. GOLDSTENE: James Goldstene, Bureau of Automotive Repair. Mr. Covell, I don't have the document in front of me, but we can certainly get back to you with a high level breakdown or even a more detailed breakdown if you want that, but it sounds like what you want is to know what percentage of our budget goes to the Smog Check operations side.

VICE-CHAIR COVELL: Yeah. As I understand it, James, the certificate fee is the source of revenue to run the state's operations as it relates to Smog Check.

MR. GOLDSTENE: That's right.

VICE-CHAIR COVELL: And not only would it run the operations of the bureau for the Smog Check Program, but is that also the source of revenue that's available for repair assistance and things like that as well? Is additional revenue available based on --

MR. GOLDSTENE: The repair assistance revenues come from they fund a subaccount. There's two funds, and we can go into more detail if you'd like, but there's the vehicle inspection repair fund which is the main fund, that's where the certificate fees generally go to, and then there's a subaccount

called (inaudible). That is funded by the smog abatement fee paid by newer cars -

VICE-CHAIR COVELL: That don't go through the Smog Check Program.

MR. GOLDSTENE: - that don't go to Smog Check.

VICE-CHAIR COVELL: Okay.

MR. GOLDSTENE: Does that answer your question?

VICE-CHAIR COVELL: Yeah. If we could get kind of a clearer understanding of that, I certainly support Chair Weisser's indication that we would like to take a look at that, because one of our charges as I see it under the law is to evaluate this program and make recommendations to how it can be improved, and more often than not I think the improvements to the program are going to weigh heavy on the availability of revenues to make those things happen, and I think we need a clearer picture of how much money we've got available to entertain thoughts, notions and ideas along that line, so it would be good to get a feel for what we're dealing with here.

MR. GOLDSTENE: And so you know, as I recall off the top of my head, the (inaudible) subaccount is taking in about \$22 million a year to fund vehicle retirement and vehicle repair programs.

CHAIR WEISSER: Just for the record I wanted to note that Mr. Pearman has now joined us at 10:17.

Do you have anything further, Mr. Covell?

VICE-CHAIR COVELL: Yeah. Second question, this is related to the unregistered vehicle investigation report that we've received. Not having gone through it let me just ask the question of Rocky, and perhaps, James, you can weigh in on this as well.

One of the big questions in the minds of air pollution control directors around the state is how big of a problem is this unregistered vehicle thing from the perspective -- two perspectives really. Number one, cars that may fail the test and they get lost in the process somewhere and have never been repaired so the emissions from those vehicles are in excess of what they should be for the make and model year. Secondly, the revenues that the state should be receiving from the operation of that vehicle on the road are never received. That's particularly close to the hearts of many APCO's, who as you know, have the \$4 DMV surcharge registration that's paid at the time of registration that go for clean air programs within the districts that have air pollution problems they're trying to deal with.

Secondly, the counties and the cities get some revenue, I believe, out of vehicle registration, and I would think that based on the fiscal crisis they

ought to be in a full pucker about how many of these people are running around unregistered.

The second piece of this is, it's always been a question in our mind how many people are not renewing based on problems with Smog Check as opposed to how many people are not renewing because you have to show proof of insurance on the vehicle at the time of registration. We've never really been able to get good data back on that. I assume from the way this was set up and operated, the only way you could determine that would be to take a look at -- and I don't know if it's valid -- take a look at the non-registration rates in counties where the program is minimal; i.e., change of ownership and so on, as opposed to the rates in an enhanced program area.

MR. CARLISLE: They did break that down by county. Given the fact that, you know, 2.45 percent for less than three months is probably insignificant at this point because they do pay a penalty when they are registered.

The other thing the report indicates that the majority of these vehicles two years prior did in fact pass a Smog Check inspection, so it wasn't a case where they had a serious problem with a previous Smog Check.

Then you go from three months to two years at .95 percent, so at what point does it become a serious problem is hard to say.

One thing it didn't do, it didn't do a socio-economic study of unregistered vehicles versus the economy of that area. That would have probably taken quite a bit more —

VICE-CHAIR COVELL: Well, I know on some of the previous attempts to determine this, taking pictures and recording license plates of cars parked in shopping centers and so on, follow-up on some of those found that the renewal tags were in the glove box or were home on the kitchen counter and just hadn't been put on by the vehicle owner yet, so I think there is some follow-up to this needed to determine what the actual numbers are.

MR. CARLISLE: That's exactly what they did with this, they actually drove to parking lots at strip malls and regional malls, that kind of thing.

CHAIR WEISSER: I'm going to suggest that we curtail discussion at this point on this study, but use it as background for any effort that we might take to go into more depth in the review that we conduct. I think we need to read this, I think that might stimulate a whole series of questions and I wouldn't want Rocky to start trying to do things until we get the full scope of whatever questions might emerge.

And I suggest the same thing to you, James, that on the budget issues that you not initially try to respond to requests but wait until we get our act together and are able to present to you a more coherent, cohesive set of questions that we'd like you to provide information for us on.

Mr. DeCota.

MEMBER DeCOTA: Rocky, can you give us an explanation of the acronyms on the budget, what they mean? Not now, I mean just in the future.

MR. CARLISLE: Oh, sure.

MEMBER DeCOTA: You know, I don't know what CROD means, CIC I have no idea.

MR. CARLISLE: CIC is Consumer Information Center.

CHAIR WEISSER: This is the Caribbean Region Office Department, I believe.

MEMBER DeCOTA: Cool. But it cost \$6 million. But if you would take and help me that way, I'd appreciate it.

MR. CARLISLE: Yes.

CHAIR WEISSER: I think a lot of our questions are going to be oriented toward kind of just the monies flowing into the program and where have they flowed out, who gets a piece of all the funding that's coming in. You know, over a five-year period I

think it would be kind of interesting to have that trend in information.

MEMBER DeCOTA: So we'll both have income and expenses.

CHAIR WEISSER: Yeah. The expenses are interesting, but I'm kind of interested in following the money.

MEMBER DeCOTA: I absolutely agree.

CHAIR WEISSER: Are there any other questions? Okay. There are some comments from the audience, I see. Mr. Peters.

MR. PETERS: Thank you, Mr. Chairman and committee. Charlie Peters, Clean Air Performance Professionals. I'm confused by the committee's action on the records of the committee. I did not hear the issue of the previous records addressed, which I think are all important to preserve, and I did not -- I heard that there was somebody in authority would be the person who could make a decision to eliminate the records, and I really personally would like to see that responsibility to someone or some specific entity that would be somebody that would actually be responsible rather than possibly just arbitrary just anybody in the world who decides that I'm the authority to destroy the records.

CHAIR WEISSER: Thank you, Mr. Peters. Let me respond to the second question first. The reason I

put in that caveat unless ordered to destroy them by a higher authority is indeed there have been some governmental institutions overwhelmed by data that have either passed laws or in their overall record retentions policy have issued orders to destroy records of a certain age. We would of course have to respond in legal fashion to a legitimate and appropriate order to destroy records.

The first part of your question I think is answered by the wording of the resolution which identifies the executive officer of the IMRC as the officer responsible for the record retention.

Am I being clear, Mr. Peters? I think at least the first part, the existing executive officer Rocky Carlisle would be the officer responsible for holding all the records. His subsequent replacements would of course assume that responsibility.

But in terms of potentially being ordered to destroy them by a Governor's executive order or some legislative statute, we would comply if we had to.

MR. PETERS: I thank you so much, Mr. Weisser. I certainly am not in charge of anything the committee does. I was just sharing my concerns and how important I feel that the records of the committee are and that they're appropriately preserved is very important to me.

CHAIR WEISSER: And we respect that and I think you've seen the committee act in response to your concern in that regard.

Mr. Armstrong and then --

MR. ARMSTRONG: Yes, my name is Larry Armstrong. I'm going to come right back with the same kind of questions, and I was sitting there trying to think of some kind of a way to protect everybody around and I'm wondering if that should be modified to somehow call for a written request from a higher authority that could be in the form of a law or whatever but that would be a written request with confirmation by the chairman of the committee in writing and then notice at a public meeting before anything like that could happen.

I have in my brain this vision of somebody of higher authority walking by the executive officer and saying ashcan those things and they're gone, so I think the thing ought to be more formalized so that everybody in the public and the records and the committee is protected and I would appreciate your reconsideration. Thank you.

CHAIR WEISSER: For the transcriber's benefit because occasionally there is static, Mr. Armstrong said that he was concerned someone might ashcan the recordings, and that's how that word should be recorded.

Mr. Armstrong, if you could take care to speak more clearly in the future I'd appreciate it.

MR. ARMSTRONG: I thought I spoke quite clearly.

CHAIR WEISSER: Yes, you did. Mr. Trimlett.

MR. TRIMLETT: I'd like to address two things. Len Trimlett, smogrfg.com.

Number one, when people speak into the mics here or do not speak into the mics, a lot of times out in the audience we find that we can't really tell what they're saying. I would like to request that this committee do something to get the recording system in here corrected so that it does not present that problem. I know it's presenting a problem for me and I've heard it presents a problem to other people also.

Also, regarding the issue of remote sensing, I want to get it on the record that this was addressed in one of the items that Rocky presented. I was not impressed with that remote sensing demonstration that was done. Number one, BAR brought up a system that was uncalibrated. The comments were the numbers coming out of the smog machine, the dynamometer reading, didn't correlate with the numbers coming out of the RSD unit.

The system crashed the display for the license plate crashed one out of four times. Twenty-

five percent failure rate, give me a break, that's not ready for study.

We looked at the display that they had for the license plate reader, yeah, it was a dark afternoon, but it wouldn't work at night, it couldn't read it. I have another letter coming out that will go to each and every member of the committee and to the manufacturer questioning their ability to handle the (inaudible). Thank you.

CHAIR WEISSER: Thank you, Mr. Trimlett. Just for the record I obviously want to state that the demonstration that we received last week [sic] was neither set up for scientific observation, it was merely a broad example to show us the equipment and how it works in a very general state, but your comments are noted, Mr. Trimlett.

— oOo —

Gosh, I want to take this opportunity to call a little break in the proceedings because an item of personal pleasure has come to our attention, and the Charlene Zettel, our new director of the Department of Consumer Affairs.

And for those of you who don't know Ms. Zettel, she is the first latina Republican to be elected to the State Legislature. She served in the Assembly for four years up until 2002 and was the chairwoman of the Republican Caucus, the vice-chair of

the Assembly Committee on Jobs, Economic Development and Economy, and a member of the Appropriation, Education, Health and Transportation and GAO committees. She had a very illustrious, sadly abbreviated legislative career where she showed herself to be, I think, one of the rising stars of the Legislature from both parties.

She's still very active in her community as the vice-chair of the Board of Directors of San Diego and Imperial Counties Chapter of the American Red Cross, and the Rancho Bernardo Chamber of Commerce.

She received a bachelor of science degree in dentistry from University of Southern California, so watch out and behave properly.

I can say at a personal level that the consumers of this state are going to be well-served with Charlene at the throttle of the Department of Consumer Affairs. She's had a career of showing great interest in consumer-oriented issues, and I'm really pleased to welcome and introduce her to this committee.

MS. ZETTEL: I just wanted to -- it will be brief, I know your time is very short and precious, and I want to thank you for the lovely introduction, it's so good to see you again. And to all of you, I want to thank you for the work that you invest in the State of California and your personal time and

efforts, and thank you for protecting our consumers, protecting their health, protecting our air quality, and our department stands ready to support you in any way that's needed, so please don't hesitate to call.

And I want to thank the members of the audience out here for coming and participating in the civic process. Without your participation government doesn't work, and our job is to serve you. So thank you for taking the time and we're sorry that you have to take time away (inaudible).

Thank you very much.

CHAIR WEISSER: Thanks for making the time to come down and say hi to us, Charlene.

MS. ZETTEL: My pleasure.

CHAIR WEISSER: Bye-bye.

Okay. Our earlier speaker talked about his belief that we need to somehow amend the resolution that we just passed to provide for a process of written acknowledgments of orders to destroy documents if we were ever to receive such an order, which I might add I view as unlikely. But I would ask the committee is there anybody who wishes to make a motion to modify the recently adopted policy on the retention of the recordings. I hear nobody, so thanks for the comments and we'll go on forward.

— o0o —

I believe that we are now at the stage where we can move into — no, one more item of business. I was going to say move into the main purpose of today's meeting, but we do have one more item of administrative business I want to take care of before I forget, and that is to indicate that both the chair and vice-chair of the committee cannot be at the scheduled meeting in May and to open up the question to the committee as to whether it might be possible to reschedule that to a day where either Norm Covell or I might be able to be there. And frankly, due to my travel schedule, I will be out of the country from the 10th to the 28th. I think we should see if it would be possible to work around vice-chair Covell's schedule for a potential alternate date.

Norm, what days are you potentially available towards the middle or end of the month?

VICE-CHAIR COVELL: Towards the middle or end. Based on my calendar right now, the 11th, 12th, 17th or 20th.

CHAIR WEISSER: Can we ask committee members who are here present whether the 20th might work for people?

MEMBER MARTIN: I'll be out of the state.

CHAIR WEISSER: Is there anyone else who is not all right besides Mr. Martin? No.

What I'd ask you to do, Rocky, is to contact the other members of the committee who are not here today to find out whether the 20th would work.

Mark, you and I just may run out of luck and have to miss that. I think it's important that either Norm or I be here for continuity purposes.

And members of the audience, keep tuned in particular to the website where we will inform you of a change in the date if that is in fact the decision.

Is there a second date that you want to put out, Norm?

VICE-CHAIR COVELL: Well, I had the 11th, 12th, 17th, which is a Monday of that same week of the 20th.

CHAIR WEISSER: Okay, let's see about the 17th. Who would that not work for? That doesn't work for John. Everybody else is okay?

Okay, so we have two possibilities, the 17th or the 20th. We at least lose a minimum of two members, myself and either Mark or John. Let's see which one works better and we'll go with that if that's okay.

I know there are a couple of members who will not be able to be present next month, I think Mr. DeCota and Ms. Lamare. All the rest of us are able to attend.

And with that, we're at the point where I think we can move into the discussion of the IMRC focus, priorities and program evaluation, but I'd like to take a break. So I have 10:37 and I suggest we come back at 5 of 11:00, so we'll take about 15 minutes and come back. Thank you.

(Off the record)

— oOo —

CHAIR WEISSER: Okay, we've been informed that the recording system is now on, so we will reconvene the meeting and move into our next agenda item, which is the IMRC focus and priorities for program evaluation. What I have Rocky to do is to jot down — and this is awfully hard for us to see; I imagine it's awfully hard for the audience to see — one or two-word descriptions of the categories that he came up with as part of his draft Smog Check Program evaluation work plan, and my intention is is for us to look at these items, look at the discussion that we had or review the discussion we had at our last meeting spirited by Mr. Pearman's taxonomy associated with how we might want to organize our review, buttressed by a review of the findings that we heard presented to us by Mr. Cackette of the Air Resources Board and Mr. Amlin from BAR of areas that in their study they seem to be heading toward recommendations, and then to see whether this captures each and every

area the committee members have some interest in looking in, seeing then if we really might be able to chew and digest and produce a report in the timeframe that we have in order to get a report done by the end of this year, and then discuss our organization of the report.

Rocky, if you would, could you lead us through the portion of your proposal identified as the Smog Check evaluation plan?

MR. CARLISLE: What I did, based on the priorities list of 43 items, I selected an additional BAR report of 5 additional items. Admittedly, a large project, but based on the discussions the committee has had I thought those what they were focusing on.

Item 1 is just the BAR/ARB report (inaudible) recommendations so we do some work on that, we could evaluate that and comment on it.

Item 2 was evaluate and compare the performance of test-only, Gold Shield and test-and-repair. And having not seen the BAR report, I'm not sure to what depth they actually did the study in their report, but some of the questions that occurred to me was what are the emission reduction benefits provided by the various station entities and what's the cost-effectiveness.

I put down some of the data required. Now, the problem here is the only thing we really have for

this if we want to do an updated report would be empirical bid data. The roadside teams have been redirected to do the remote sensing project, so the guys that normally do the roadside testing to collect Smog Check information aren't available at this point in time. In the BAR's report that data was from almost two years ago now because it was from 2002, as I recall based on the presentations they did. Consequently, that's dated. It also does not reflect the current component of the Smog Check Program, being Gold Shield, which was changed last July, and eliminated GPC and the previous Gold Shield program.

In addition, when that was done we probably has less than 1,000 test-only stations; today we have approximately 1400. So there's a lot of things that have changed, so the best dataset we could get for that would probably be from October of last year to March.

CHAIR WEISSER: And the next item?

MR. CARLISLE: Next item was the effectiveness of the high mileage vehicles, testing those annually. And they do have a response of the percentage of those vehicles, it's about three percent of the fleet that hit 100,000 and exceed 25,000 miles traveled per year.

Item 4 was the cause, if you will, of program avoidance. That one is difficult at best.

Why people would avoid the Smog Check Program, why don't they want to get a Smog Check. There's so many programs available for funding, it does make you question it.

Item 5 is the independent evaluation on the high emitter profile, what's the accuracy, what are the benefits of using it, what's the cost-effectiveness.

And finally, to identify the number and percentage of vehicles directed to test-only stations. This one, I think it would answer questions for a lot of people in the industry, you know, what is the real percentage, and that's been asked for the last probably four years, five years, and so I put that one in.

CHAIR WEISSER: Rocky, if you could put that up on the wall, your yellow sheet behind you just as a reminder, and what I'd like to do now is use a summary prepared by an outside source to just highlight some of the findings that were made in the BAR/CARB presentation on the study. I should mention that for the record, we once again have been assured by the agencies that they were keeping to their established deadline of having the report ready next month. We do not have a report, it is in the review process, it is out of the hands of the agencies. We truly expected to get it this month, but I think you may have heard

that from me each and every month for the last six months.

Anyhow, the presentation that we heard identified eight findings. The first one being clean screen five and six-year-old vehicles.

If you could write these up on those sheets, Rocky, I'd appreciate it.

So the notion of exempting through a clean screen the fifth and six year, the concept being that the emission losses there would be very modest, there would be savings to the public and you could collect a fee of some sort to offset through a variety of potential mechanisms those minor emissions that are lost.

The second is eliminate the existing 30-year rolling exemption.

The third is more frequent inspections for older vehicles, and this is based on the concept that failure rates on vehicles 15 years and older are twice the fleet average.

The fourth is one that we've already captured clearly, the annual testing for high mileage vehicles.

The fifth is require immediate inspection of smoking vehicles.

Number six is delete change of ownership inspections for two-year-old and newer vehicles. The

notion there is that failures are fairly rare in these first two years, even with change of ownership there's little or no emissions increase.

The seventh is improve station performance by adding more stringent after-repair emission standards. This is based on the finding that repairs have been characterized as incomplete and the failure rate of repaired vehicles is quite high soon after the after-repair test.

And the eighth is improve station performance by improving BAR's enforcement program. Now, the finding was they needed more staffing, that staffing has been constrained because of the budget issue, but I think there may be a variety of issues associated with the enforcement program the committee might be interested in becoming involved in.

Now, obviously in addition to these items there may be other issues that appear if and when a report is issued by the state on the performance of the Smog Check Program, but these represent, first on the left Rocky's grouping of the issues that we talked about last time that Bob Pearman catolized for us in his listing, and plus the summary of findings from the CARB/ARB report.

Ms. Lamare.

MEMBER LAMARE: Thank you. To clarify. It appears that the list you just read is from the BAR

report, what we heard last time, and the first list, number one, BAR report, this is detail on number one.

CHAIR WEISSER: That's correct.

MEMBER LAMARE: Okay. Secondly, you refer to the list one through six that Rocky wrote up there as encompassing what we talked about last time.

CHAIR WEISSER: Trying to reflect that.

MEMBER LAMARE: There are seven more items on the list of what we considered last time which are not up there.

CHAIR WEISSER: Rocky did a triage.

MEMBER LAMARE: I think you interrupted him in the middle of his presentation.

CHAIR WEISSER: Me interrupt; that would be unheard of. Rocky.

MR. CARLISLE: Yes, there are some other items. Item 7 was the 30-year rolling window, which there's bills going through on that.

Item 8 was evaluate vehicle scrappage program effectiveness. There is a number of agencies looking at that federal, state and local.

Repair subsidy for vehicles that exceed the current limit for emissions repair costs.

These other items I actually prioritized lower because there's considerable subsidies for repairs.

Review of vehicle emissions standards to determine validity. Should they be further customized by vehicle make and model to ensure (inaudible) maximum emission reductions.

Well, that could be done. What you're talking about is customizing the vehicle emission standards for approximately 18,000 different configurations, which probably would not be that effective considering the cost.

Evaluate the potential increase of program effectiveness through the implementation of statewide testing. In other words, right now we have three types of areas: enhanced, basic and change of ownership. Just make them all enhanced.

Twelve was potential impact of new technologies, remote sensing opacity testing for particulate matter.

Thirteen was consumer information relative to emission controls, vehicle performance and operating economy, consumer cost and acceptance.

And then 14 was evaluate the level of (inaudible) Smog Check repairs for compensation.

CHAIR WEISSER: Do you want to put those up on the wall too, Rocky, then?

MR. CARLISLE: You bet, Mr. Chairman.

CHAIR WEISSER: Mr. DeCota.

MEMBER DeCOTA: I also sit on the Bureau of Automotive Repair's educational advisory committee, which is made up basically of master instructors and California Automotive Teachers Association that deal a lot with the training of our technicians, and actually physically conduct a great deal of emission tests.

I asked the group if they could make a recommendation as what they would see would be the best enhancement to our current program that would reduce air pollution by vehicle, and it was the consensus of the group that their recommendation would be to add a 30-second low speed idle test directly after the current ASM test. The advantage to this would be to catch those vehicles with low compression for lean misfire at idle. These vehicles at present would fail a two-speed idle test but slip through because the misfire is not apparent when the vehicle is under load on the dyno. Although you would think that the OBD II misfire monitor would catch this, TAD, which is a system, said that he had a four-cycle vehicle that did not set the misfire monitor, which is something I'm hearing more and more and more on the testing regimen that's something maybe we as a committee could make a very, I think, strong recommendation that would reduce pollution considerably if we looked into this and maybe had some

of the master instructors or their chairman, which is a gentleman by the name of – I'm sorry.

MR. CARLISLE: Rick Escalabre (phonetic)?

MEMBER DeCOTA: – Rick Escalabre come before us and explain to us this real world problem that basically is not a major issue from the standpoint of cost to the program but may be very important in reducing automotive emissions.

CHAIR WEISSER: So this would be, as I understand you Mr. DeCota, a suggestion that we look into the extremely technical aspects of the testing regimen under the enhanced dyno-based test to see whether the addition of this new 30-second idle might identify more vehicles that are polluting higher than they ought to be; is that correct?

MEMBER DeCOTA: Right. In the old BAR90 program this was our test, okay. When we went to the ASM testing, unfortunately we had to give up a little bit of our ability to identify polluters because of the dyno system the way that it works, and this is a little way of bringing back the best of both in order to identify vehicles that could have misfires.

CHAIR WEISSER: Would this just be, as far as you know, a software update or is it a hardware update?

MEMBER DeCOTA: It's only a software update, unless I'm wrong, Rocky.

MR. CARLISLE: No. A rather large two-year project minimum, based on previous updates with the manufacturers.

CHAIR WEISSER: Bruce?

MEMBER HOTCHKISS: I'd have to agree with Dennis. I think doing an idle test would be an excellent idea. We all know that cars spend a great deal of time idling in traffic, and I know first-hand experience that there are cars that would have failed the two-speed idle test that now pass the dyno test, and it seems to me that we are missing some significant gains.

CHAIR WEISSER: Of course, if we were to do this it would be important to quantify those gains and measure the costs associated for the development and dissemination of whatever software fix might be required, as well as discuss whatever implications there are with that sort of change, but thanks for listing it and we'll put it up on the board.

MEMBER DeCOTA: Thank you.

CHAIR WEISSER: Ms. Lamare?

MEMBER LAMARE: Well, we went through 1 through 6 and then we went through 7 through 14, and actually I think think number 13 was sort of my pet project, although it's stated somewhat differently, perhaps I'm wrong, but it seemed to me that our unique contribution to the whole enterprise in evaluating

Smog Check is that we can do an independent evaluation of consumer attitudes, acceptance and understanding of the program through survey research designed on the model of market research and that it would be relatively inexpensive to do so and would give us information about such things as awareness of consumers of the consumer assistance program, options for owners of high emitting vehicles, and whether the consumers believe that they are getting the highest emission reductions that are possible on their vehicles. We really have an opportunity to go beyond where ARB and BAR are. They're looking at the technical aspects of the program and we can really look at the consumer side of it from both an air quality and vehicle ownership point of view, but it will have to go up a lot higher on the list, I sense, if that's going to happen.

CHAIR WEISSER: Well, I don't think the items are numerically prioritized. I think the first six items were those that Rocky initially thought would be a large bite for this committee to take on and chew and digest and come out with a report, and in fact, I think our next step should be questions of clarity regarding these items and then a discussion to try to identify the least important of these items, to remove those from the list, and to identifying items that aren't up there.

You'll notice that one item that's not up there is the notion of us doing our own dataset sampling and trying to see whether or not the BAR and CARB data collection was done in an accurate fashion. That is something the old committee did do and spent a lot of money on, but that has not come forward in any of the discussions that we've had but there may be some other issues that people might want to raise.

So I guess what I'd ask initially right now, are there any questions of clarity that need to be answered at this point in time? Mr. Covell.

VICE-CHAIR COVELL: Clarity just regarding those that have been listed?

CHAIR WEISSER: Yeah.

VICE-CHAIR COVELL: Oh, okay.

CHAIR WEISSER: Is there something else?

VICE-CHAIR COVELL: Yeah.

CHAIR WEISSER: Do you want to tell us what that is?

VICE-CHAIR COVELL: Well, yeah, if I can. You were asking for clarity on these things, and I'm trying to do things in an orderly fashion here so we appear organized.

The bottom line of all this as far as we as a committee and the purpose for which we exist, going back to what the law says, we're hereby created to analyze the effect of the improved inspection and

maintenance program established by this chapter.

Functions of the review committee shall be advisory in nature, primarily pertain to gathering, analysis and evaluation of information, which all this is.

We've got a requirement to submit a report regarding this program to analyze its effects in terms of the emissions that are reduced as a result of the program, and to try to assess its impact on the air quality of the state because of the fact the program is being implemented. Specifically, it says we've got to quantify the reduction of emissions and improvement in air quality attributed to the program. The first of those is easier than the second part of that. Any reports other than those required by this section the committee is required to provide, and so on.

It also says that -

CHAIR WEISSER: Could you capture that again so Rocky can put that up?

VICE-CHAIR COVELL: The committee's report shall quantify the reductions in emissions and improvement in air quality attributed to the program. It's a lot easier to quantify the emissions that the program has derived for us based on how it has been implemented. It's another problem to try to plug that in and determine the impact that program has specifically had on the reduction of ozone and so on throughout the state. That's because of the limited

ability of air quality models to define by specific strategy how well they do.

Then it also says that if there are improvements that we're recommending we are to include the recommended statutory language for those improvements in our report as it goes forward, and also indicates we're supposed to be doing this annually.

So I guess the bottom line of all these things that we're identifying here is we need to take it back and say does that help us answer the final question of how well is the program doing and does this serve as some way to improve the program if we find a shortcoming?

Previous analyses and the separate analyses that are required here in further sections where it talks about what the state board's responsibilities are, they're to report out on the effectiveness of this program as a constituent of the greater State Implementation Plan. In other words, the Smog Check Program is a strategy that the state has chosen to help clean up the state's air, and that was developed as a strategy back in 1994 and it ascribed a given emission reduction from the implementation of this program statewide. And in subsequent analyses by the state agency showed in each case that it had fallen short of what the 1994 SIP strategy assumed would be

in it, and if you break that down as to why that occurred it's for a number of reasons, and we've heard industry screaming at us over the years as to why a lot of that happened.

Number one, there were Legislative changes to the program that kept deleting the vehicle population subject to the program; therefore, there were lost opportunities to test cars and get them repaired.

There was a slacking off, if you will, based on a lack of understanding by air districts that as zip codes built out in areas where the program initially started, it was up to the air districts to petition the state to bring those additional zip codes in. I remember Charlie lost a lot of sleep over that issue over the years, they just weren't coming forward.

Gasoline powered trucks above certain gross vehicle weights were expected to come into the program. We had chassis dyno questions and the emission reduction rates had to be set for those vehicles and determine whether they would fit the chassis dynos that were being installed to see if those could come into the program. That delayed that sector of vehicle population from being a contributor to emission reductions resulting from this program. When the strategy was developed in '94 it was assumed

those would happen in short order and we would be able to realize the emission reductions from that vehicle population.

So there's a number of things when we go back and assess this program against what it might have been had everything in the '94 SIP been implemented, it fell short of that. So as far as EPA is concerned, that was the test, and we didn't achieve everything we had claimed we would, and therefore did we get the emission reduction that this strategy was supposed to get.

The prior report done by CARB prior to this latest one that they're working on right now showed about a 60 percent achievement of the strategy potential and it identified these things that caused the program to be problematic. So an issue facing this committee, I think, is an assessment of how much of that has been fixed, and I think some of that's playing out now in this latest evaluation, but are there still areas of the program that this committee needs to focus on; i.e., the 30-year rolling exemption and some other issues that were identified as being contributors to the program before that still aren't fixed.

So, as we look at each one of these and we're going to busy ourselves with a lot of this activity, I think we need to keep in mind does this

contribute towards our bottom line, which is further understanding of how effective the program has been, and further, does it contribute to an issue that needs to be plugged in as a further improvement to the program that will make it more effective?

So I'll stop there. I don't know if I've been clear in what I've said, but that's some of the frustrations that I've had over the years where we have to go back after the fact and assess the effectiveness of this program against what it should have been when all these changes have come about.

Another thing I didn't mention was the rate at which the cut points were plugged into this thing by BAR as they administered this program concerned about consumer acceptance of the program. When they set the final cut points at the beginning of the thing, you probably had too big of a public outcry about the program and the political fallout as a result of that. That helped the consumer affairs agency, didn't help the air quality side of the situation. So those are issues I've got that are of concern.

CHAIR WEISSER: The takeaway item for me is the mandate that the committee report on the emission reductions the program has achieved and the contribution to air quality. That's a must-have in terms of what we do. How we go about doing that of

course is open to question. We could merely review and agree with the work that's been done by BAR and CARB or we could attempt to delve into it with our own study, whatever, we'll talk about that further.

Mr. Pearman.

MEMBER PEARMAN: First, on that point, the plan that Rocky put forth mentions under reviewing the ARB/BAR report, review and comment on the specific recommendations made in the report and include the confirmation of the emission reductions of HC and NOX. I took that to mean we'd look at that, but as to the improvements they recommended, not for every reduction that they identify that goes in the SIP, so it seems that we have in mind doing that at least in part, then the question is whether we look at everything as well or not, so it's slightly different than what Norm is talking about, so I just wondered what Rocky meant by that and did he in fact mean to be as exhaustive an analysis as Norm implied, as the statute requires, or are you focusing really on the specific seven, eight recommendations?

MR. CARLISLE: My thought was we would look at the metrics and the methodology they used to arrive at their conclusions rather than repeat the whole process. I mean, on review of the data and the way it was used, it may answer the question was it a valid method, which we've got no reason to believe it

wasn't. But I mean, certainly review of it just to verify it, that was my thought.

MEMBER PEARMAN: So would that give us our view of the voracity of their overall reductions or just those of the improvements they suggest?

MR. CARLISLE: The reductions of the program.

CHAIR WEISSER: The overall reductions, I think is the answer.

MEMBER PEARMAN: Okay. All right. Just a couple of slight overlaps for our consideration. I think we've got the annual inspection of high mileage vehicles as our item 3, but that really is the same as item 4 of the BAR report recommendations, so that would really be one in the same.

And we do have a committee that's looked at the legislatively getting rid of the 30-year rolling, so maybe if we keep that on, it's not listed in your new subcommittee structure; maybe that could remain.

CHAIR WEISSER: So what you're suggesting -- let's try to actually begin to winnow this down. Could you repeat your first suggestion?

MEMBER PEARMAN: Well, the annual test of the BAR, item 4, is really the same as item 3 of our evaluation as to the high mileage vehicles, that's the really the effectiveness of annual emission inspections high mileage vehicles that was our

evaluation point, but it's also the same as item 4 of the ARB report recommendations.

CHAIR WEISSER: What about the 15 year and older vehicle, is that in a separate item there?

MEMBER PEARMAN: That's under the 30-year rolling.

CHAIR WEISSER: Fine, thanks. So why don't you just wipe one of them off.

MEMBER PEARMAN: I would wipe it off of ours since we'll be looking at it by analyzing the ARB report.

MR. CARLISLE: Sure.

CHAIR WEISSER: Go on.

MEMBER PEARMAN: But also the high mileage vehicle one is what I meant, yes.

And I wanted to clarify, and I think we spoke by email, and on item 12, one reason you had new technologies kind of low was because they are looking at the remote sensing and so you felt that would be one of the big new technology things and so why should we look at that until that pilot project is underway, correct?

MR. CARLISLE: Correct.

CHAIR WEISSER: So are you suggesting that that might be one that we forego at this time?

MEMBER PEARMAN: I thought his rationale at least as far as that's concerned made sense.

CHAIR WEISSER: Before we move on, do folks tend to agree with that? Okay, why don't we -- no, Norm doesn't.

VICE-CHAIR COVELL: I guess just a point of clarification. If there are new technologies that have emerged and are available for consideration, is that new technology something when implemented within the program improves the effectiveness of it, which is one of the charges to this committee. Aside from that, I agree.

MEMBER PEARMAN: I guess the point would be unless we have one presented to us now that's something we'd have to wait to see when it comes up and see if the agencies don't respond to it effectively before we take action.

CHAIR WEISSER: Thank you.

MEMBER PEARMAN: Now on the scrap program was in part your analysis that that's just being reinstituted, so to speak, and so we have to see how the new rules work?

MR. CARLISLE: Well, I think there's a number of issues there. I think the federal government's looking at that. BAR was talking about reimplementing that. I don't know what the current status is. I know ARB's been looking at that seriously. I don't know what the status of their program is, but there's a number of entities looking

at scrap, and so my thought was that we'd let the dust settle and concentrate more resources on these other issues.

CHAIR WEISSER: Yeah, I think the issues associated with scrappage are perhaps not yet right to do an evaluation. At this committee level there is an enormous amount of activity going on in a variety of sectors, as Rocky said, seeing whether significant expansions of diesel replacement, off-road diesel replacement or retrofit could help improve the air as well as an enhanced scrappage kind of program, so I'm not sure at this juncture it would pay for us, but I'm open for – do people think it's okay for us to winnow this down at this point? Hearing no objection, scratch it.

MEMBER PEARMAN: And then the question I had about the item Dennis just raised, is that something that he thinks we need to affirmatively do because BAR or CARB won't do it or is that something that we can based on some analysis make a recommendation that they investigate and only if they don't do it do we then have to put it on our table?

MEMBER DeCOTA: I think that it's been an issue since the introduction of the ASM test. To be quite frank with you, there's been little done by either agency with regard to it, but yet it's been

heavily discussed as a preventative emission reduction issue.

I think it is the committee's responsibility to its charge to make program recommendations and improvements, and this may be one where we can make significant impact on emission reductions as a recommendation. It's not popular to change the software program from the vendors because of cost, okay, that I do realize. But we've had changes since then and it's never been addressed. I really believe it would be our responsibility as a committee to at least table the issue for discussion and make a recommendation if we find through an independent analysis that this is something that is worthwhile. All I'm saying is I do believe we should look at it, because it's not being looked at.

CHAIR WEISSER: Thank you. Dennis.

MEMBER DeCOTA: This is on B, Rocky, and I think I'm addressing you on the issue of the VID, and I have another area that I have a large amount of industry concern on and that is the report card on CAP and Gold Shield, the pass/fail rates, okay, that comes off the VID information.

As you know, many shops are challenged with their ability to continue because of this mathematical formula that is being used to see what their failure rates are, and I would say I get at least two to three

calls a month from either CAP or Gold Shield stations with concern that the field people with BAR have come after them with regards to their failure rate. And of course we know some of the problem, which is pre-test repairs and other issues that we're discussing, but this has, I think, the real ability to skew the actual VID data, and I'm just going to read one short paragraph from a very good technician and shop owner.

"There are some things that concern me about the accuracy of the VID. For example, January '04 our station failed 99 vehicles out of 639 tested. Of the 99, we repaired approximately 19. The VID only showed 11 of the 19 had failed," and he gives me the list.

"Another problem with the VID; it will now show us if the vehicle is from an enhanced area."

I think these are real concerns to this committee when you realize the validity of the information that they're receiving, and without the roadside test how difficult is it going to be, because I can't help but remember what bogged this committee down for years was the information out of EMFAC modeling and the other problems that were created, and that's why this committee went out and hired independent consultants to get actual information in order to evaluate the program. I would hate to see us get bogged down and going to outside consultants because the criticisms are somewhat valid here in this

news thing that this committee never did reach anything because it tried to do the ARB's job and BAR's job instead of doing its job. But if the information isn't valid, what would be your recommendation on how we can get the most accurate real world information on these subjects? I mean, I am very concerned about that, because garbage in, garbage out.

MR. CARLISLE: There's a couple of issues. First of all, with regard to the fail rates, there's no statutory requirement to even have a failure rate. That is a Gold Shield issue. That is a number that's been plugged in that was agreed to, the failure rate should be equivalent to test-only.

CHAIR WEISSER: Rocky, hold on for a second. Lynn, is his voice being picked up by the recorder?

MS. FORSYTH: Yes.

CHAIR WEISSER: Okay, thanks. Go on.

MR. CARLISLE: Okay. Secondly, with regard to identifying the area, the area is identified by the zip code of registration. When they scan that registration and it records that, it identifies the area based on zip code. So I'm not quite sure why he's making the charge that it doesn't identify the area.

CHAIR WEISSER: Well, let me interject here. I don't want us to get bogged down in the details of

any particular subject area beyond that necessary for us to decide whether or not additional investigation would be desired. So Dennis has put up on an item, I've put it on the left-hand chart that basically asks us to do some sort of confirmation or audit of the data collection methodology; that's your idea.

MEMBER DeCOTA: Yes, sir.

CHAIR WEISSER: Okay. So let's capture that, we have a sense of it, and I'd like us to continue to try to identify items of things that we don't do.

MEMBER DeCOTA: Okay.

CHAIR WEISSER: Jude.

MEMBER LAMARE: I wanted to go back to 1, BAR report, because I want to confirm that when you wrote BAR report what you meant by that is review the ARB/BAR report, quantify emission reductions and improvement in air quality, so that's the number one priority of our work is what Norm identified as our core process.

MR. CARLISLE: Correct.

MEMBER LAMARE: We are going to address through the ARB/BAR review what are the emission reductions and what are the improvements.

And Norm brought up a really important point that there were recommendations in the last report by ARB and BAR and this committee that certain things

happen to improve the program, and so I assume that we will be ticking off the stuff that has happened and what has been achieved.

I do not see anything to be gained by going over the 30-year rolling exemption issue again. It was in the 2000 report. It's been an item that has been out there that we recommended, the ARB recommended, the bureau recommended.

CHAIR WEISSER: So does anyone disagree with that?

MEMBER LAMARE: There's no reason to go over that again.

CHAIR WEISSER: Could you put a line through the 30-year, then?

MEMBER LAMARE: I am also concerned after the presentation that we had last time that we would do anything that relates to remote sensing, because that study is underway and when it's finished we will get the results, and before it's finished I think it's really inappropriate for us to be considering those issues in our report back to the Legislature, so I'm having problems seeing —

CHAIR WEISSER: Does anyone disagree with Jude's recommendation that that be eliminated from consideration of review for this cycle? Dennis.

MEMBER DeCOTA: I don't disagree with Jude, but what I am concerned about and maybe the committee

should be concerned about, is monies that would normally go into roadside testing which are quantifiable, verifiable audits of the actual test-and-repair regimens that are conducted are not being done. Looking at another science, that was something I think the committee should have addressed far before – again, I think we're on our second or third pilot of remote sensing. Where's the priority of the types of things that are being done come into play with the committee? I don't know. I'm not at all disagreeing with what Jude's saying; all I'm saying is the committee needs to be aware of those type of things.

MEMBER LAMARE: And I agree with Dennis and I think that we're in a world of hurt right now because we're not getting the information that this report requires from roadside inspections and that somewhere along the line a mistake was made, I don't know if it was us or who it was, that didn't make sure that these data were being collected and should be being collected right now.

And that leads me to my final point which is under number 2, evaluation and compare station performance, test-and-repair, Gold Shield and test-only. I am really puzzled how in the world we are proposing that we could ever do this given the database that is available and the data issues that have been raised, and so I don't know why that's

number 2 or on what basis we believe that we could make a defensible quantitative analysis of that issue.

CHAIR WEISSER: Rocky, you want to reply to that?

MR. CARLISLE: Well, I don't disagree with what Jude's saying, but then again, I haven't talked to Sierra Research. I've talked to BAR a little bit about it and there is a concern about doing that comparison with good data, but there are a number of engineering firms, and Sierra Research is one of them. You know, it may be possible.

I mean, one of the things we've done in the past was identify, for example, what a first test is and what the final test is, and that eliminates some of the inconsistencies, you know, when you have a vehicle that had multiple tests. But without doing additional research –

CHAIR WEISSER: So the question here, as I understand it, is the data available to do anything other than report from 2002 and earlier as to performance, and yet there's been substantial changes in the number of cars going to the enhanced testing regimen, and whether that at this point in time might make that sort of analysis –

MR. CARLISLE: Difficult at best.

CHAIR WEISSER: – difficult. And even if you did it, it would not be conclusive in some way,

and therefore we'd still not be able to respond in an effective way to the concerns that have been raised by all sides on the debate as to which is the better program, so we might not be able to put that issue to bed.

MR. CARLISLE: Correct.

CHAIR WEISSER: Wow. I had not expected this and these are really good questions and comments. What are other peoples' thoughts regarding whether or not we should eliminate that from this, or at least put a big question mark next to it? Mr. Pearman.

MEMBER PEARMAN: Well, I wouldn't eliminate it. I think it's very important to the consumers and the industry to answer that question, so if the fact is we can't analyze it, then at least it ought to be an important part of our function to make sure the information starts being gathered so it can be answered in the future.

CHAIR WEISSER: We certainly can flag this in the report as an important data gap that we believe needs to be covered. And I have to say, considering the large number of dollars that come in through consumer payments for the certificates and the abatement fee, this is not a money issue, it must be a staffing freeze kind of an issue, which is really disturbing and maybe they ought to contract out to do this if they can.

So I guess I'd put a little asterisk or something next to that one as not for an in-depth evaluation other than an evaluation perhaps for identifying the data gap.

Jude, do you want to continue?

MEMBER LAMARE: Well, one additional thing, and that is that the agencies are not going to look at the impacts on the program of the budgeting decisions that have been made and the staffing decisions that have been made over the last few years which have resulted in these kinds of cuts, and it seems to me that our committee really must look at the impact to the program of budget cuts and staff cutbacks and hiring freezes and look at ways to insulate this fee-based program against state budgetary problems that are basically general fund-related. Does anybody agree with me?

CHAIR WEISSER: Mr. Pearman.

MEMBER PEARMAN: Yeah, it's been a comment heard before. Could that be a separate topic to look at the financial footing of the Smog Check Program and make recommendations to ensure its long-term stability?

CHAIR WEISSER: Thank you. Rocky, would you add that to the one on the left. Other left. Left, left, left. These are kind of the add-on ones, and I think that would be kind of a combination of where do

the monies come from, where have they gone, the stability issue and the impacts of instability or raids on the ability to reduce emissions. Okay?

MEMBER LAMARE: And deliver the program as promised.

CHAIR WEISSER: I'm going to skip Mr. DeCota and move to Mr. Williams. Do you guys mind if we continue to kind of work this into the lunch hour? We seem to be actually doing something, it's been a slow meeting till now and we're on a roll. Jeffrey?

MEMBER WILLIAMS: If our objective is to eliminate some lines of a chart on pages I can barely read anymore, I might point out that items 4 and 5 on the IMRC priorities list seem to me to be two things that are really one thing. It's hard to study the percentage going to test-only without considering the effectiveness of the high emitter profile, it would seem to me they're really one thing that could be done together.

CHAIR WEISSER: It's items 5 and 6, I think.

MEMBER WILLIAMS: I told you I couldn't read it anymore. But 5 and 6 it would seem to me is a pair.

CHAIR WEISSER: I actually don't quite understand the item 5, and I'm not sure what the intention there was, why that's important to this committee.

MEMBER LAMARE: Well, that was one of the topics they brought up of several different topics. They wanted to verify the validity. Using the high emitter profile, for example, the fail rate; do those vehicles really fail, do they have a higher fail rate than the average vehicle?

CHAIR WEISSER: Who's they?

MR. CARLISLE: The committee. Well, it was on this list.

CHAIR WEISSER: Oh, that's something we put on.

MR. CARLISLE: Yes, yes.

MEMBER WILLIAMS: That's actually one of my pet topics.

CHAIR WEISSER: So I want to make sure I understand the issue is, and you can just maybe form a subcommittee of one or maybe two, but the issue, you would want to consolidate the HEP, high emitter profile, and how that works with the percentage going to test-only versus test-and-repair and to analyze whether or not the HEP is an effective tool for identifying directed vehicles.

MEMBER WILLIAMS: Yes.

CHAIR WEISSER: Without evaluating whether or not test-and-repair do a better job or a worse job in identifying failing vehicles than test-only.

MEMBER WILLIAMS: Yes. I'm just trying to delimit the issue, yes.

CHAIR WEISSER: Does anyone object to at least for the purposes of further discussion consolidating those two?

MR. CARLISLE: I think these are drastically different, and the reason I say that, this is simply the methodology, you know. This is how many vehicles should go to test-only. This is the methodology used to direct those vehicles, because there's always been argument since day one of identifying how you calculate the number, whether it's 15 percent, 30 percent, 50 percent.

CHAIR WEISSER: Mr. Covell.

VICE-CHAIR COVELL: I would agree that we've got to get a handle on that, because historically we've heard feedback that you've got a small percentage of the vehicles causing the majority of the problem out there. We got other people coming in testifying that that ain't true. We've heard reports that vehicles don't cause any pollution and it must be coming from somewhere else. We've got to get a rope around this thing to determine if --

And I think the focus of the program has to be more towards finding the dirty vehicles and getting those vehicles fixed. And the focus seems to be in terms of finding dirty vehicles that they somehow have

to be included in this high emitter profile. If that's going to continue to be the philosophy, then we have to come to grips with what that actually is and have a feeling of confidence that when a high emitter profile is developed that we have in fact captured the vehicles that constitute the majority of the problem.

Then what do we do with those? Does it make sense to shoot those to test-only versus test-and-repair? That's a question that has to be analyzed and a recommendation made on that. The bottom line is, get the dag-gum things found and get them repaired if they are problematic.

MR. CARLISLE: And in addition, this one has some extreme difficulty attached to it, whereas this one's fairly simple math.

CHAIR WEISSER: Folks understand that? You just do what is the actual percentages and you get it in black and white.

MR. CARLISLE: Exactly.

CHAIR WEISSER: So we can finally end this argument of is it 36 percent, is it 50 percent, whatever.

VICE-CHAIR COVELL: So do you take number 6 to mean, then, investigative determination of what the heck percentage is directed to test-only now?

CHAIR WEISSER: Without a normative examination of how much should be directed to test-only.

VICE-CHAIR COVELL: Yeah.

CHAIR WEISSER: Okay. Dennis.

MEMBER DeCOTA: I'm going to save the committee, I'm not going to talk about that issue at all. The thing that --

COMMITTEE MEMBER: Let the record show that the committee appreciates that.

MEMBER DeCOTA: We received from our executive officer a news article during the week with regards to concerns in the Valley with regards to particulate matter and smog. Is it time that this committee also looked at other causes of air pollution, hydrocarbon pollution, and request that -- you know, the vehicle is blamed for all the pollution, and our program charges us with the responsibility of that pollution of hydrocarbons and carbon dioxide. Other causes cause it. Should we know what they are? Should we identify, you know, what is creating those type of emission issues and should we be recommending maybe to ARB or the powers that may be in the local districts issues that would help reduce those emissions and remove those from the inventory of our responsibility as far as vehicle emissions?

CHAIR WEISSER: Mr. Covell.

VICE-CHAIR COVELL: I think we, the cross section of us that's working on the problem of air quality, including the state Air Resources Board, have a pretty good feel for what the sources are and the extent to which they're contributing.

Earlier, somebody mentioned smoking vehicles and the fact that they should be Smog Checked. I don't know how many times we've had industry over the years come up and tell us that they can have smokey vehicles in their facility, test them and they'll pass the smog test and they're smoking like mad, because we're chasing a different pollutant.

Studies done by South Coast, studies done by the state will show you that the vast majority of particulate and those in the small PM2.5 micron size that are of great interest for public health, the majority of those are coming from motor vehicles. What are they? They're the heavy duty vehicles both on and off road that we're seeing a majority of particulate matter coming from.

First of all, a question has to be raised, is it time for the Smog Check Program to be concerned about particulate matter, because the focus has been ozone reduction and carbon monoxide reduction, so the tests that we run focus on hydrocarbons, nitrogen oxides, CO, CO2, to the exclusion of particulate matter. Now, some of those in the combustion engine

start out as gases and you get particulate matter as a result of the rate of combustion of the material and you get smoke.

But it's a program separate from the focus of the Smog Check Program right now; i.e., the particulate matter contribution. There is a tremendous contribution of particulate matter in the air from vehicles. There's also a contribution from railroads, aircraft and things like that. I think that's pretty well-known and it's of interest to the committee, I think a presentation by CARB could pretty well satisfy our need as to what these other problems are. Whether it needs to be included in our report, if it's a concern of the committee for the Smog Check Program to be analyzed as to whether it's meeting the effectiveness of existing law, I don't think we should include that because existing law focuses on the ozone and CO problem. It may be a recommendation of the committee that because there is a source of particulates from vehicles subjected to the program, it should be expanded to include particulate matter, that's another issue.

CHAIR WEISSER: Thank you, Norm. Dennis.

MEMBER DeCOTA: I have a question for Norm. If a given geographic area, let's say agricultural area which has a lot of farm equipment and other natural resources, trees, that give off different

problems, and that area is charged with not meeting the federal mandates and it becomes non-attainment area, is that broken out as a separate calculation of what's causing that pollution?

I don't think it is. I think it basically almost gives it a false sense of resolve. In other words, it may not be per se motor vehicle pollution, it maybe particulates but in other areas. I don't know that much about it, Norm, so I don't understand and that's what I'm asking.

VICE-CHAIR COVELL: Let me try to answer that as best I can, then. When you prepare a plan to clean up the air, there's a number of components to it, chief among which is an emission inventory where you've tried to evaluate the source characteristics for the given area, and those are generally broken down into stationary sources, mobile sources, on and off road types of things, and area sources. Area sources can include, and initially there wasn't much understood about it, we're finding out more about it, biogenics. By biogenics we mean the contribution of hydrocarbon to the ozone problem from trees.

Bottom line of all that, it may be a contributing factor of hydrocarbons, isoprenes, terpene, those roots of organics that contribution to ozone formation. And if that's the case, you clearly aren't going to develop a strategy that says cut down

all the oak trees on the western slope of the Sierra to reduce isoprene contribution. The strategy becomes keeping the nitrogen oxide away from the hydrocarbon mass so you don't get the ozone problem going to completion. So that further emphasizes the need to reduce the nitrogen oxides from those sources that are available to you. Those break down into stationary and mobile.

In the case of Sacramento, we don't have much industry, so there's a greater emphasis on the NOX emission reductions having to come from the mobile source sector, which is both light duty and heavy duty plus a combination of off-road vehicles which include farm equipment and diesel engines that are on irrigation pumps and all these kinds of things have to be taken into consideration.

So again, other contributing factors may be of interest to this committee, but the bottom line is, the state, based on its infinite wisdom, defined this program as a strategy for cleaning up the air and assigned a certain emission reduction to that based on its understandings of the capability of the control devices on vehicles and our ability to test those to determine their effectiveness and assigned an emission reduction potential to this program. I think that's what we're faced with evaluating.

CHAIR WEISSER: Thank you. I'll take a couple more comments and then we're going to break for lunch. I'm struck by the fact that we have 25 or 30 potential items for our review, and trying to figure out what system we use to decide which ones we're going to focus on and how we organize to focus.

John.

MEMBER HISSERICH: I just want to be clear, I can't read it either, but did we draw a line through high mileage vehicles, and if so, why? It seems to me that that is something that needs to be addressed. Is that number 3 up there?

MR. CARLISLE: It's number 3 but it's also number 4.

CHAIR WEISSER: It's repeated on the other side, so we still have it on there.

MEMBER HISSERICH: Okay. I'm sorry, I just wanted to be clear on that because I thought it was crossed out. All right, thanks.

CHAIR WEISSER: Mark.

MEMBER MARTIN: With respect to roadside testing, even though the jury might still be out on the effectiveness, we do have quite a few issues that have come to the forefront over the previous meetings that I've attended, what do we do about these vehicles that are out there roaming around that don't go through the program, that circumvent the process just

by not registering, perhaps taking the tags and putting them on the license plates even though the registrations are not renewed. And to me it seems like a very favorable way to identify those vehicles perhaps with a law enforcement component that could be attached to it if these vehicles are out there roaming the streets illegally to probably also go after a high emission component. That's part of the program.

I think even though we may not have the data needed to make an informed decision, I think it provides a high opportunity and we need to kind of keep that in the forefront of what we need to continue to look at to put pressure so we can get the data, making sure that the cut points are such that we're not going to be eliminating vehicles that need to go through the biennial process. Anyway, I think it needs to stay as part of what we need to look at and possibly report on, even as a recommendation.

CHAIR WEISSER: Or at least to highlight the negative impact of that program being downsized if not eliminated.

MEMBER LAMARE: Are we talking about program avoidance?

MEMBER MARTIN: In part. There's a piece of the program avoidance that we need to be concerned about, but I think the roadside provides an opportunity to catch them.

CHAIR WEISSER: That's what I heard him talking about. Jude.

MEMBER LAMARE: If program avoidance is part of enforcement, then aren't we duplicating there on those two lists?

CHAIR WEISSER: It could be considered –

MEMBER LAMARE: And can we include roadside in enforcement?

MR. CARLISLE: I don't think we can. The Bureau of Automotive Repair doesn't have any statutory authority to require registration other than Smog Check itself. We're talking about two separate issues.

MEMBER MARTIN: It would be in coordination with DMV, I would imagine.

MR. CARLISLE: Even on the roadsides, CHP will turn a jaundiced eye, if you will, to many of the violations. I mean, the consumer is there voluntarily, they don't have to submit to that roadside inspection, and so even if you had one that hadn't been Smog Checked or was illegal, all they have to do is refuse it.

MEMBER LAMARE: Okay, where are we putting the roadside in this list of issues?

MR. CARLISLE: Well, we haven't.

MALE VOICE: Can we put that in writing?

CHAIR WEISSER: Would you hold your comments until it's public time. I think that we're hearing from the committee that we should put that up on the left-hand side, which is the roadside monitor.

MEMBER DeCOTA: Did you also on that list put my 30-second idle test?

MR. CARLISLE: That's number 1.

MEMBER DeCOTA: Thank you.

MEMBER LAMARE: Mr. Chairman, when I spoke I said that anything requiring remote sensing should come off the list, and I believe that number 1 clean screen 5 and 6 should therefore come off the list.

CHAIR WEISSER: Although, that will be in the BAR report, you're suggesting that we would not make any comments on that; is that what you're saying?

MEMBER LAMARE: Our comment might be that it's premature to recommend it.

CHAIR WEISSER: Mr. Pearman, you're shaking your head.

MEMBER PEARMAN: I think it has to stay. I mean, if it's one of the recommendations I think we have to keep it on the horizon, I don't think we should just strike it. It may be a simple response but I think we need to leave all their points on there.

CHAIR WEISSER: I tend to agree with Mr. Pearman that, for instance, even though we won't

be doing an investigation on the 30-year exemption, I think since it's in the report, it would serve the Legislature well to know that this committee has been on record supporting the freezing of that exemption, so I think we might want to cover it but we don't need to necessarily go into any great detail.

MEMBER LAMARE: Okay.

CHAIR WEISSER: Here on the clean screening, I don't know what kind of meat is in the report. It may just say we ought to be exploring it, in which case we're going to say we agree with the report. If it says we want to implement it next year, we might have a problem because of the status of remote sensing and the development process.

MEMBER LAMARE: Okay. So isn't 4 on the list on the left included within the enforcement item that's in the list on the right?

CHAIR WEISSER: Their enforcement item from the BAR/CARB report, as I remember it, was aimed at making the point that they have lost a lot of enforcement positions and now need to restaff enforcement.

MEMBER LAMARE: Okay, thanks.

CHAIR WEISSER: And I contrast that to other issues associated with the enforcement program that we might want to look into. And we'll have two more

comments and then we're going to break for lunch.
Bruce.

MEMBER HOTCHKISS: Yeah, my take on the program avoidance is that it's an enforcement issue no one basically tackles. If it's something that comes by happenstance that the police should pull you over for something else and notice that you don't have current tags on your car, you will probably get a warning. Having been stopped in a state vehicle once that hadn't been registered for six months, they just said, oh gee, you don't have a current tag on. I mean, that's the way it happens and it is unfortunate. It is an issue I think that somebody needs to address, but I don't know how much we can do on it.

CHAIR WEISSER: Norm?

VICE-CHAIR COVELL: I guess just a question and then based on the answer to that question a recommendation. Number 8, that's the Bureau of Automotive Repair and ARB list of recommendations. In our handling of these things are we at liberty to modify those somewhat?

CHAIR WEISSER: Well, we certainly can comment on them; is that what you mean? We can say we think that's a great recommendation or we think it's a stupid recommendation.

VICE-CHAIR COVELL: Given that, let me just say number 8, which as stated is to improve

performance, I assume of the program, by more enforcement, which is getting at what Bruce said to try to address the reduction in staffing and so on, but what that implies to me is the only thing wrong with enforcement is we don't have enough of it now, and I think I would like to see that changed to perhaps enhance performance of the program by improved enforcement. Maybe a look at doing things differently than we're doing it now as opposed to adding more staff, or maybe a combination of both.

CHAIR WEISSER: It would seem to me that if we are to look into that recommendation that they've made, that what you've put forward is precisely what we'd need to look at. We've heard, all of us have heard individually and as a group here many concerns from the industry associated with the enforcement program, cries from the industry to provide more education, more standards, more clear-cut guidelines for industry to follow and the like. And we also have heard the industry saying we support enforcement, we want to get the bad eggs out of the business.

I would think there is a lot of interest on the part of many of the members of the committee to look at enforcement with something other than just increasing the number, okay.

VICE-CHAIR COVELL: Okay.

CHAIR WEISSER: Folks, I'm struck with the challenge that we face. Our executive officer worked really hard and thoughtfully to try to define the issues so that he could marry subcommittees with one issue that was one the IMRC was interested in and one issue that came from the report that we don't have in our hands. You know, if you consider we would have six potential working groups, that would limit us to a dozen issues. One IMRC, one BAR. Fortunately, these are not mutually exclusive, they're not overlapping. And we've got 25 or 30 issues, so the task that I would like to assign each of you at lunch is to give some thought to a process that will enable us to come up with a subcommittee structure where we have groups of two people dealing with a digestible subject.

Now, one way you could deal with that is to say, gee, instead of two issues we're now going to do three. Each subcommittee is going to pick three issues or get assigned three issues to work on.

We are going to get a report out this year, guys, and I want to make sure that we address the highest priority issues first. I think Norm did a great job in the beginning by looking at the statutory charge of the committee to look at how the program is operating, what has to change, where can it be improved? We should keep that firmly in mind.

It's 12:20 and before we break for lunch I want to make a special point of acknowledgment that a good friend of this committee, Sylvia DuGre, this Friday, this Friday is escaping to the promised land after a 20-plus year career in cleaning the air for the people, for the environment, for public health, Sylvia is retiring from USEPA.

VICE-CHAIR COVELL: I'm glad you clarified that. Headed for the promised land sounded pretty final.

CHAIR WEISSER: I can only tell you that as somebody who believes in green, I am green with jealousy over this move, Sylvia, and we've appreciated your presence here, your participation and your support of the efforts of this committee to try to extract more cost-effective emission reductions from this sector. And you're a great lady. Thank you very much.

[applause]

MS. DUGRE: Thank you so much, but can I introduce David Wampler who's going to be taking over my job?

CHAIR WEISSER: Very good.

MS. DUGRE: (Inaudible)

CHAIR WEISSER: And David, spell your last name?

MR. WAMPLER: W-A-M-P-L-E-R.

CHAIR WEISSER: And do you have a card with you that you could give us? We take VISA, MasterCard or American Express. No? Okay. Well, we'll look forward to working with you.

And Sylvia, do you have any plans that you care to share with anyone?

MS. DUGRE: Everybody asks that question. I just want to have a lot of fun (inaudible).

VICE-CHAIR COVELL: How can you have more fun than you've had coming here?

CHAIR WEISSER: Oh, let me count the ways. Thanks very much. Okay. It is 12:20. How long for lunch, guys? An hour? Okay. So we'll be back at 1:15, which is almost an hour, okay, 1:15 we'll start. Thank you.

(Noon Recess)

— oOo —

AFTERNOON SESSION

CHAIR WEISSER: If you could take your seats we're going to begin our afternoon session for the meeting.

I'm assuming each and every one of you spent the lunch in deep contemplation of how to identify a path forward in our efforts to organize our review. Just prior to lunch, Jude Lamare suggested that what we might want to focus on initially is not the BAR/CARB report data that we may be better off waiting until that actually is issued before we get deeply engaged, but that we really just focus on the items that we've previously identified and the new items that have come up today, and I think that's a good suggestion. However, I do think that there are some initial things that might be done in scoping out how or what we might want to do with the BAR/CARB findings once they turn into recommendations, so what I'm going to suggest is we do sort of a two-step process, and that is to look through the issues that we've identified on our own to perform a triage of sorts on those issues, painful as it will be, and then to actually deal with assigning folks to begin work on those items.

My plan would be to stand where Rocky is standing and talk loudly. Well, I guess you have that nice mic there, Rocky.

MR. CARLISLE: It doesn't work.

CHAIR WEISSER: And kind of Rocky, who knows this stuff a lot better than I do, and I marching through some of those to indicate which ones we think may be candidates for triage, and then go through first in a voluntary fashion to identify people who might be best suited to deal with those issues, and then failing volunteers, to do assignments. Does that satisfy the committee? Mr. Covell.

VICE-CHAIR COVELL: Just a question on the mechanics of that. I'm given to understand that you'll be over there with Rocky. I think it's important that we get input from the public on these issues.

CHAIR WEISSER: Absolutely.

VICE-CHAIR COVELL: Would it be your intention that, since we're talking about triaging these things, that you could call for public comment from over there and if they could input the process as we go, or are you looking at us triaging that thing, get all that done and then open it up for comment at the conclusion?

CHAIR WEISSER: The latter. I think first what I'd like to do is get the committee's consensus, to see if a consensus can emerge on the triage so the public will get a sense of where the committee is coming from. That will inform them in terms of the

comments they might want to share with us, and thus we will be informed. Is that okay? Jeffrey.

MEMBER WILLIAMS: You had once mentioned that we might be doing two items each as subcommittees. Is there some math there that says how many items we have to get down to, and maybe we should decide that, because if we spend a lot of time saying something should or should not be triaged, but it's already within that number, then that was a big waste of time.

CHAIR WEISSER: I agree, except for one thing that came to me as I was reviewing the items during my delicious roach wagon meal. And by the way, it was quite good. Thanks, Rocky, for suggesting it.

Some of these items are going to be much more difficult and time intensive than other items, and therefore a mere numerical assignment I don't think will be reflective of the total workload involved in this, so I think we're going to have to use whatever judgement we can bring to bear. Jude?

MEMBER LAMARE: You know, we had a draft work plan and matrix of committees and assignments.

CHAIR WEISSER: Yes.

MEMBER LAMARE: And it seems like we could start there as a starting point and then see how we accommodate our variety of interests, but we haven't talked about that draft work plan yet.

CHAIR WEISSER: But we have been talking about the items in the draft work plan, we have not talked about either the assignment of people to various subcommittees or the schedule that Rocky put together. I think the schedule needs to come towards the very end.

The assignment, I think, may change from what Rocky's put forward because of some of the newer items that have been added on to the list where there seems to be kind of a natural magnetism to certain people to be assigned to certain things, but we certainly will use that as a base for looking at some of the items that were in fact included in Rocky's draft.

MEMBER LAMARE: Well, I will be working from this and making my comments on how we sort all this out, and certainly one thing that occurs to me is things that are on the list that are compatible or made up well with things that are in the draft, I would want to go there.

CHAIR WEISSER: I don't disagree. Members of the audience, one of the aspects or elements that Rocky put together in the draft was a listing of the six areas plus groups of two each of the committee members to deal with each of those six areas, plus one unidentified area or two from the BAR/CARB study.

That's what Ms. Lamare was making reference to and I think it's a good starting point also, Jude.

Are there any other comments?

A lot of what I'm going to say as I go through this is not going to be an accurate reflection of what you said, and it's important for us for you to say no, you misread that or you misheard that or, no, I think that's more important than you're thinking, so it's important in this process for you to speak up. When Rocky and I were going through it over lunch there were a few that seemed to be potentially either too difficult or not as important as other things, and I would like to go through some of those right now. Every single one of these is up here because someone wanted it up here, so none of this is going to be easy. We're going to have to pick or choose or weekends or evenings.

Items that we checked as maybe potentially able to not deal with were the repair subsidies. This one was aimed, if I remember correctly, as seeing whether or not it would be advantageous in terms of emission reductions to come up with a program that would allow subsidies beyond the existing cutoff point where people are required to pay for repairs in order to accomplish repairs above that amount, \$450. If your repair is going to cost more than that, you're given a two-year waiver.

The issue is, gee, if you had \$200 more, could you accomplish that repair and get emission reductions? And our sense is that while this is not necessarily a bad idea, at this point there may be other people looking at it that we should wait until they're done. So it's an iffy one, that's all we're saying. Any reactions? Okay.

Individual engine model standards. Rocky pointed out to us that that would require the development of some —

MR. CARLISLE: Eighteen thousand individual cut points.

CHAIR WEISSER: And the question there, is the amount of time and energy and work associated with that development in light of what it would mean in terms of emission reductions. We thought that one might be a little bit too difficult to bite off.

COMMITTEE MEMBER: I have a question on that. Would it be possible to relate that at least to the high mileage vehicles? For example, almost all law enforcement vehicles are the same model, a Crown Victoria with an augmented engine. Of course, those are all relatively new cars so it may not be worth doing, but I was wondering if there were any categories of vehicles in which it might be interesting or important to understand the engine type.

MR. CARLISLE: You're talking about fleets and there's really no designation for a fleet-owned vehicle. You can certainly identify high mileage vehicles based on previous mileage at Smog Check, but there's nothing in the information that tells you this is a fleet-owned vehicle, unless it would be like a UPS.

COMMITTEE MEMBER: Every fleet is assigned a number, true?

MR. CARLISLE: Permanent registered fleets are indeed assigned numbers, but there is nothing on the vehicle information database that system this vehicle is a fleet-owned vehicle.

CHAIR WEISSER: I'm a little unclear of the issue. Is it that right now doesn't every vehicle have a pass point?

MR. CARLISLE: Yes. And it's broken down. For ASM, for example, I think there's 52 emission standards categories, okay. And if it's a two-speed idle test there's fewer, I forget exactly how many, but currently you have 52, but to say you're going to take each specific year, make and model configuration, if I'm not mistaken, and I can verify this with BAR, but I think there's approximately 18,000 different configurations out there and that's what you're going to try to identify these individual cut points for.

CHAIR WEISSER: So right now every vehicle is force fit into one of those 52 categories.

MR. CARLISLE: Right.

CHAIR WEISSER: Does anyone have a burning desire to look into this further? Okay.

Number 11, one of my little pets, is statewide testing. I believe that cars have this annoying habit of moving and that it would probably be a good idea if we had a uniform program throughout the state. However, the facts are that 87 percent of all vehicles are already included in enhanced areas. Many of the vehicles that might be brought in a statement program are operating from (inaudible) areas already obtain air quality standards. And lastly, that to ask people, small businesses, to invest a large amount of money for the testing equipment in areas that are very sparsely populated is not a system designed for economic survival, and for that reason I would suggest that we might be able to drop this off our list, reluctantly, and I'll ask for comments on that.

Please identify yourself.

MEMBER HOTCHKISS: Bruce Hotchkiss. I understand that certainly if you go into northern California I can see the reasons for leaving it as it is as a change of ownership, but as we know, we have certain areas in the Bay Area that are still basic, and I don't really see the large economic hardship

inherent in including Half Moon Bay or things on the coastline at all these little pockets, and so I would hesitate to eliminate it entirely, because I think there are some rather logical areas that we could bring in or suggest be brought in without creating an undue economic hardship on business or the consumers.

CHAIR WEISSER: Norm?

VICE-CHAIR COVELL: And I think part of the issue of how far the enhanced program has penetrated the entire State of California is going to be looked at again as this new ozone standard that EPA is proposing kicks in. We're going to be going from a one-hour standard to an eight-hour standard. The timing for that as far as the designation of area is supposed to be the middle of April. I don't know that that will happen within that timeframe, but within the next year I would understand that additional areas of the State of California are going to be subjected to a more stringent standard, which is eight-hour nonattainment.

It's my understanding that that's going to bring in the counties of Butte, Northern Sierra, all these mountain counties that are on the western slope of the Sierras, Mariposa County, Amador, Calaveras, Tuolumne, who for the most part I think are in change of ownership or at the most basic, to be looking at the enhanced program as a strategy they in addition

will need to attain the ozone standard. I think Imperial County is under the microscope right now as well.

What I'm driving at here is that there are going to be other factors that will probably require this program to be implemented in additional areas of the state without us doing anything.

MR. CARLISLE: Yeah, I know BAR is implementing other areas. I believe it's Riverside County. I could be wrong, but I know they've identified other areas that qualify as enhanced areas, and so those will be gradually brought in as well as they identify those areas.

CHAIR WEISSER: So Bruce's comment, which I take to heart, and Norm's comment saying it might get dragged in anyhow. I would almost assume Half Moon Bay is going to get dragged in when we get to eight-hour.

I'm going to skip this for a second and go to unlicensed repairs. Do you want to describe this issue?

MR. CARLISLE: Yeah. Unlicensed repairs are defined as repairs performed at automotive repair dealers that aren't licensed Smog Check stations, and BAR defines an emissions-related repair subsequent to it failing a Smog Check. So if a consumer takes a vehicle in, they fail the Smog Check and they go into

an ARD, the automotive repair dealer, and say I just need a tune-up, that shop owner has no idea that's really an emissions-related repair and so he may do the work and it may go back and pass fine.

So the point is, unlicensed repairs are difficult to identify. Typically they're identified through complaints, and I don't know that that's been a burning issue. I do know an ARD is in violation of the law if they knowingly do an emissions-related repair.

CHAIR WEISSER: Bruce.

MEMBER HOTCHKISS: Just thought that that might work along with the improve performance by more enforcement. I mean, it is an enforcement issue. There is a regulation on the books right now that says you're not supposed to do it.

MR. CARLISLE: Right.

MEMBER HOTCHKISS: And we've heard complaints from the test-and-repair industry that maybe there's too many repairs being done by non-smog stations, but it is an enforcement issue and it should be maybe just moved over into that.

MR. CARLISLE: Good point.

CHAIR WEISSER: Any other comments on that? Mark.

MEMBER MARTIN: With respect to the unlicensed repair issue, the problem I see is it's all

but impossible to track this as well as enforce it. What can you do about a consumer that goes into a shop and doesn't disclose that it's an emission-related repair and literally hundreds of those types of jobs are being performed as general maintenance in that very facility, there's nothing that's going to be raising a red flag and it's not going to be up to the owner of that shop or whomever is writing that job up to turn into Mr. Investigator and drive their customers away.

CHAIR WEISSER: Thank you. We talked before about the quantification of reductions and improvements being part of that fundamental BAR review process, that's this number 15 down here, but we would be moving that here, okay?

We had an item that we added, suggested Legislature language. Well, that may be part of any particular. It's more of how we do something or we suggest that it be done rather than what.

I can't remember why I did consumer information or we checked that, and I'm going to uncheck that, because I think that one has legs.

And program avoidance. Now, here we heard a couple different things. We got a study just now that says it's tiny, but in a sidebar conversation I think with Norm they said, well, but if you look at the program avoidance and you then try to figure out which

vehicles are gross polluters, it actually could be a substantial portion of the gross polluting element of the fleet could be unregistered vehicles. So I'm open for what you said. Norm.

VICE-CHAIR COVELL: Yeah, I think that captured the essence of it. Mainly, if you put that figure under the microscope, unregistered cars, no-shows and stuff for Smog Checks, where are they, what are they, it's a concern that a significant number of those are in the directed to test-only population, that something happens to. They're directed to test-only, they don't show up anywhere, or they have failed a Smog Check and then they lose track of them. They never have gone anywhere else to determine whether a repair was made. We know that they were not subsequently checked to determine if they met the requirements of the law.

So to state it as a very minute percentage of the entire vehicle population that should be registered may cause us to miss an important consideration of what the problem is.

CHAIR WEISSER: Jude.

MEMBER LAMARE: On this one, I think that to really get into it we will end up at the remote sensing station. The way to deal with this is through remote sensing if it works, and to go here now is premature. I would put it as much lower in priority

than repair subsidies, which I'm feeling really queasy about taking repair subsidies out, because I think it would be fairly easy to quantify the waivers and get some estimate of the emission reductions that could have been achieved without the waiver, and the cost of that based on program data that we have and that's easily accessible.

Program avoidance, on the other hand, is really hard to get your hands on because you really don't know what the emission penalties are for the program avoidance. We have reason to believe that of those that avoid, a large percentage might be higher polluters, but without the remote sensing element in play or some kind of roadside information, I wouldn't want to go there.

CHAIR WEISSER: At lunch Rocky and I were talking about the repair subsidies and he brought out a number that to me was pretty telling, Jude. You got about 11 million tests a year, and the bureau has issued 3,000 exemptions, and only a fraction of those exemptions have to do with repairs over \$450. Some are parts related, some are related to other things, so it's not a huge universe that we'd be addressing.

Bob?

MEMBER PEARMAN: I think keeping repair subsidies as you've changed it is fine. Maybe in the consumer information part, making sure it's more well-

known might be something we'll do. And when we talked about looking at the financial stability, you certainly want to make sure we can retain the funding to do the subsidies that will be done today (inaudible) that particular topic at this time.

CHAIR WEISSER: All right. Mr. Hotchkiss.

MEMBER HOTCHKISS: On program avoidance, one of the reasons I would have for not deleting is that, even though we may not know the exact extent of the problem, but then if we delete it, then it isn't even acknowledged as being a problem. We may not be able to quantify what the pollution added it, but we know that there is a problem there.

CHAIR WEISSER: If I were to ask people who would be interested in looking at that issue to raise their hands, how many of you would? Just curious.

MEMBER PEARMAN: As a committee or as opposed to serving on one?

CHAIR WEISSER: A little subcommittee. Not serving, we don't need to serve. It's going to stay on.

MR. TRIMLETT: Did you count us?

CHAIR WEISSER: No. We could you later, and then you really will count. So that's going to -- did you write down the names of those? Dennis.

MEMBER DeCOTA: On the issue of waivers, there's a conflict that needs to be looked into, and

the conflict is simply this. You have the responsibility to reduce emissions to the level where the car passes the test. You also have the ability to reduce those emissions further. It is against the law to do more of a repair than is actually required to meet the minimum standard in reductions, but that is something that really needs to be looked at, you know, from the standpoint of —

MR. CARLISLE: Just for clarification, I don't think it's against the law, I think it's how it's presented to the consumer.

CHAIR WEISSER: We'd heard folks say to us before that it puts them in an awkward position, and I think Dennis is reflecting the industry.

MEMBER DeCOTA: Right, right. Even in the CAP program, okay, we'll authorize to a certain repair level, and even recommendations to go beyond that sometimes they will not approve.

MR. CARLISLE: Right.

MEMBER DeCOTA: But you've got a real fine line there where the consumer can basically say I was sold something I didn't need, and that is a real problem.

CHAIR WEISSER: My suggestion is that issue needs to be explored as part of the after repair segment of the recommendation that we heard as a

finding, but we really don't know what's behind the recommendation.

Move on. The high emitter profile.

MR. CARLISLE: The high emitter profile is basically a Radian model that was developed between Radian and BAR engineering. That involves a lot of work to try to validate it. I know BAR is currently working on providing a report to validate the accuracy of the high emitter profile, but I don't think that provides any real gain for the committee. I mean, it's a method used to direct vehicles, that's the way you have to look at it. In and of itself, you know, I don't know how you go about validating that over what's already been done.

CHAIR WEISSER: Any comments or questions or disagreements? Jude and then Mark.

MEMBER LAMARE: So will the bureau's report on the validity of the HEP be available during the time period when we're working on our report?

MR. CARLISLE: I'll put in a request and ask that question.

MEMBER LAMARE: Then we should review it.

MR. CARLISLE: I do know they're currently working on it because I talked to engineering the other day on that issue.

CHAIR WEISSER: Mark.

MEMBER MARTIN: Would that report be publicized?

MR. CARLISLE: I'm assuming so, but I'll find out the answer to the question.

MEMBER MARTIN: You know, quite frankly, with respect to rewarding the manufacturers that produce clean cars that stay clean for a period of time and basically informing the public of those manufacturers that may have some problems doesn't hurt my feelings any.

MR. CARLISLE: Right, but they cannot identify cars by -- for example, all '86 Chevys, they can't say all '86 Chevys are dirty, what they have to do is identify unique vehicles by VIN.

CHAIR WEISSER: Let me interject. It seems to me that the HEP issue and how it's used, its highest and best service might be in the consumer information. There's been a significant amount of discussion that's taken place between outside stakeholders, including environmental groups, particularly the Union of Concerned Scientists, of having that information on the reliability of emission control equipment be made part and parcel of the information given to consumers by government so that consumers will have one more piece of information to look at when they are either buying a used or a new vehicle, and specifically the Union of Concerned

Scientists wanted to put another sticker on the car with that sort of information. It gets very complicated when you do that and it got kind of tied up, but that issue is something that might be worth exploring. Is there a public education use that the HEP can provide to aim consumers toward cars whose emission control equipment tends to stand up better?

Norm.

VICE-CHAIR COVELL: I think two aspects of the HEP that we've got to be concerned about. The first is, what is it and do we have it defined correctly? If we got a rope around what the high emitter profile is made up of and if we captured -- have we optimized the high emitter profile grouping of vehicles running on the road, then once we're confident that we've properly described and identified it, then what do we do with it in terms of improving the effectiveness of the Smog Check Program? Subject it to annual tests, analyze it for the types of things that are wrong? Are we finding that in that group of high emitter profiles this more than not is the problem; therefore, we've got a durability of equipment problem that needs to be focused on and by attacking that we improve the efficiency of the Smog Check Program?

So to me there's two things we've got to do there. Make sure we've got it correctly identified

and then correctly determine what we want to do with that data to meet our end goal of improving the effectiveness of the program.

CHAIR WEISSER: So you think it is an issue that we should look into?

VICE-CHAIR COVELL: Yes, I do.

CHAIR WEISSER: Jeffrey.

MEMBER WILLIAMS: I've long thought this is an important issue, but but I don't have any interest in doing a whole study ourselves, so I think it really depends on what is being done outside of the timeframe for that. And so I'd be happy to read that report and comment on it, but I think we ought to comment on that, too, so that can be later in the process. But if we're not getting that report for another year, maybe we should speed things up ourselves.

MR. CARLISLE: No, I think it's going to be more quickly than that.

CHAIR WEISSER: John.

MEMBER HISSERICH: Anyway, just to be clear with Rocky, you say that we can only identify them by VIN number. I mean, lump those VIN numbers together and maybe it turns out to be your '86 Chevys.

MR. CARLISLE: Maybe so, but it's illegal, it's statutorily prohibited.

MEMBER HISSERICH: By whom?

MR. CARLISLE: By law.

MEMBER HISSERICH: Well, I understand, but -

MR. CARLISLE: I'll have to look up the specific law.

MEMBER HISSERICH: The State of California prohibits it or the U.S. Government prohibits it.

CHAIR WEISSER: Prohibits what?

MR. CARLISLE: Prohibits identifying a make/model as a high emitter.

CHAIR WEISSER: Gee, I wonder who could be behind that.

MEMBER HISSERICH: Just because manufacturers don't want it, it is an issue because we all know that there are cars that don't perform well, and (inaudible) of them that were poor performers, it would become quickly apparent.

CHAIR WEISSER: Dennis, Mark and then Jude.

MEMBER DeCOTA: As an industry repair I have a little bit of concern of exactly how the HEP is used in order to direct vehicles from the standpoint of SIP requirements, so by simply adding vehicles to the HEP which directs them automatically to test-only, I would like to understand that better.

CHAIR WEISSER: Thank you. Mark?

MEMBER MARTIN: With respect to what is legally allowed up to this point, I mean, the whole purpose of this advisory committee is to make recommendations for changes in legislation, so

personally I think the public has a right to know whether or not they could be buying a piece of garbage or not if that information is available.

CHAIR WEISSER: Well stated. Jude.

MEMBER LAMARE: Does the bureau intend to look at roadside data on vehicle emissions and compare that to their HEP profiles? Are we going to be looking at the correlation between the roadside data and the HEP profiling model as the way to establish the validity? And if not, then I think this committee ought to ask for information from the roadside data about the highest polluting vehicles, if not make and model, something like make and model year.

MR. CARLISLE: I will put that request to them, yeah.

CHAIR WEISSER: Dennis.

MEMBER DeCOTA: I believe that I've read that there's very little money earmarked for roadside.

MEMBER LAMARE: I mean the roadside data that we have available.

MEMBER DeCOTA: The two-year-old data?

CHAIR WEISSER: Yeah.

MEMBER DeCOTA: Okay. You might also look at it from the standpoint of RSD.

MEMBER LAMARE: Well, that was my point is anything having to do with RSD, we can't work on until the RSD study is done so why are we even talking about

it? That's where we're going to get the real information.

MEMBER DeCOTA: But maybe we would want to recommend that RSD incorporate that as well as what else it does, you know, specifically give you that information, that's all I'm saying.

CHAIR WEISSER: You're saying use the data that's developed during the demonstrate to validate. I'm getting the feeling that there is some energy among the committee to look into this. Is that an accurate reflection? How many people would like to see this remain? I know Norm would. Six at least, then these are all volunteers for the committee.

Okay. Under any circumstances I think that there's a coordinating issue on the HEP as to the technical side with the development of the data and the public information side as to would this help make a better informed consumer. Okay.

Then the last one, and I left this deliberately to last, is the test-and-repair versus test-only. The situation here relates to this fundamental problem that we've discovered associated with the lack of recent data, and how compelling would anything that we said about this be in the absence of data from the system that has changed since the last decent data was collected? So the question is, what

are we going to do? I'm open for direction. Do I hear any?

COMMITTEE MEMBER: I have a question. Is there an ongoing effort to collect those data?

CHAIR WEISSER: I can't answer, but the sense that I got from the earlier discussion is that they have not backfilled those positions because of the freeze nor have they used the money that they've built up in the reserve to contract out to do that work. Dennis.

MEMBER DeCOTA: In the last committee's effort to produce a report it was a major, major issue, so it's not a new issue, and there's a lot of material on the issue and research, and the report clearly recommended a max of 15 percent. The reasons for that, one is that if you folks think you can repair these cars without any technicians or any incentives for people to be in the test-and-repair business, keep expanding the test-only network like you have to 1400 shops and there won't be any incentive for a legitimate person to repair a vehicle because they'll have nobody to do it, and I hope that we don't downplay the issue.

CHAIR WEISSER: So what would you recommend we do, Dennis?

MEMBER DeCOTA: I think we need to study from the standpoint of the information, at least to

review the information in the last report to understand the issue in totality in order to make a recommendation. I mean, yes, it's older information but it's still valid information.

CHAIR WEISSER: And this is on the effectiveness of –

MEMBER DeCOTA: Of test-and-repair versus test-only.

CHAIR WEISSER: How many people, considering the data limitations and yet the sincere recommendation from Dennis, would like to see this remain on the list of these four now? Bingo, we've got almost unanimous beliefs.

Okay. I think we've made considerable progress. We have six items on our list, okay. Not too bad. We have eight items here, but some of these items, many I believe are going to be throwaways. I mean, they're going to be not particularly time-consuming or expensive in terms of the resources in order to analyze data. Most of them are going to be policy kinds of questions, the data analysis is done. So I think we have an outline or the makings of manageable workload.

There are a number of ways that we could go about trying now to figure out who's going to do what, but I'm going to embrace Jude's idea of starting with the team structure that Rocky developed, so if you

want to see how what you did before matches up with this new list. We have items on here that are not on Rocky's list. Norm.

VICE-CHAIR COVELL: Before you get there, I'd like to raise an issue that I don't think we've covered anywhere, and I can't see that well as to where we would put the thing, but the concern I've got that's been raised to me by a number of district sectors, the test-and-repair folks, the test-only folks and so on, and that's the matter of preconditioning of vehicles prior to the test and the impact that had on the effectiveness of the program.

CHAIR WEISSER: On the effectiveness of the program, Norm, or on the credit that the program gets?

MEMBER DeCOTA: Isn't that the same?

CHAIR WEISSER: No.

VICE-CHAIR COVELL: No, it's not.

CHAIR WEISSER: Very different.

VICE-CHAIR COVELL: And some of it is going to fall back on how the vehicle owner responds to the program.

CHAIR WEISSER: Maybe we ought to define the issue, Norm.

VICE-CHAIR COVELL: Yeah. The problem as I see it is the condition that the vehicle is in at the time it's tested will impact oftentimes whether it

passes or doesn't pass. We've got a number of situations, and I'll use both examples.

One would be where a person gets directed to test-only. They go to test-only and they run the test and it fails because the vehicle may not be up to operating temperature, so they're directed to get it fixed so they go to the person they would have gone to if they hadn't been directed to test-only and they get over there and it passes. Nothing's been done to the vehicle.

The reverse could be that they get directed to Smog Check so they go to their favorite shop to get it done and it's tested before it's up to operating temperature, even though it's supposed to be, and it fails. The person gets upset with that person and goes somewhere else and by the time they get there the vehicle is warmed up and it passes.

So you've got a segment of the consumer group out there that's upset about the program. You've got data that's reported automatically through the BAR that indicates failures where they may not should have been one. And I think that impacts the overall effectiveness of the program and I think we need to do something that assure that going into this thing, regardless of where they are, test-and-repair or test-only shop, that the vehicle has met the requirements of being preconditioned as established by

the regulations, as I understand it, before the test is done so we're doing valid tests the first time through.

CHAIR WEISSER: I'd like to add onto that before Bruce and then Dennis say anything, that there's another side of that equation, and that is with the problem associated with how much credit you actually get in the Smog Check Program is partially based on the readings that you get at the test, the real test, versus the readings you get after repairs, where in fact there are many times people will have one, two or three pre-tests that will be far worse than what the vehicle will look like if it passed that never get officially entered into the records. People don't want to be characterized as gross polluters so they do a pre-test, they will get repairs, then they'll get their car tested in a real test, so you have distortions in the data.

I guess what I'm saying is the instance that you put forward, the program may be generating less emissions than you might think. In the example I'm putting forward it actually might be generating more emission reductions than you might think.

VICE-CHAIR COVELL: Yeah, and I can add another example which I experienced myself going to a Smog Check station with my pickup, and when I got there they had an offline BAR90 that they were running

up the tailpipe of vehicles and sending a lot of people on their way because they had a sign up saying no pass/no pay, so people are getting a BAR90 check and if it's not going to pass they never put it on the dyno so nothing gets recorded to BAR. That vehicle heads off into the sunset and who knows what happens to it, whether he went home and jacked the thing up and fixed it himself or just forgot about registration because he wasn't going to pass, or what happens.

CHAIR WEISSER: Now, could you clarify for us again what you would be proposing as a work item or study item, Norm?

VICE-CHAIR COVELL: Well, I think some kind of an evaluation of what's going on out there to the extent it's problematic, because I'm hearing feedback from industry that it is. In fact, I'm even hearing that there have been directees from BAR I the case of test-only stations to not precondition the vehicle before the test, and I need to know if that's the case because that could certainly impact the number of failures that are occurring at test-only stations and could skew the data to make it look like there's more failures coming out of test-only. I don't know what the facts are, so I think that's got to be evaluated somehow.

MR. CARLISLE: Norm, I can clarify that. It wasn't not to precondition at test-only, it was here's

the method you precondition with for ASM. There's another method for two-speed idle, and the reason is because of the way the ASM test is performed. It's not just test-only stations, it's test-and-repair stations.

Now, if they choose to use other methods of preconditioning and artificially heat the catalytic converter hotter than what it should be, then they get a false pass. But everybody was told with ASM the proper preconditioning is the car should sit and idle until it gets to operating temperature. Once it's put on the dynamometer it has a hundred seconds to pass the test and it uses a ten-second average in that hundred seconds, and so even a marginal cat has enough time to light off, providing the engine is up to operating temperature, during that hundred seconds.

CHAIR WEISSER: Well, I'm not sure you're responded. I don't know if we need to go into it that much more, but there's — Dennis.

MEMBER DeCOTA: I agree with Norm wholeheartedly, I think his points are well made. I think it comes under test-and-repair as a subcategory. I mean, don't we really want to know what false failure rates are? Don't they affect a grading of our program? I mean, we really need to understand those issues, I believe.

CHAIR WEISSER: Bruce?

MEMBER HOTCHKISS: Well, I think it's a problem, I don't know if it belongs under the test-only and test-only. I see it in some ways as an enforcement issue and part of the problem is the definition of operating temperature. Going off the top of my head here, I think it says in the inspection manual or someplace that it's the manufacturer's specification. Not every manufacturer spells out exactly what operating temperature is. (inaudible) has a procedure where it says the fan is supposed to cycle twice. Some manufacturers just say bring it up to operating temperature. This is the problem that it hasn't been very specific. You can get a car that has a temperature gauge and the technician looks in and says, yep, the gauge is up, but it doesn't mean the car is at operating temperature, so there is a problem that way in really knowing when the car has reached operating temperature so you end up with stations that will do it. I know with the BAR90 there was a shop I used to go into in San Francisco that every single car that came in they put the throttle stick on it and let it run for two minutes.

CHAIR WEISSER: Let me see if I capture what's been said. This preconditioning pretest issue could contribute to data flaws and it also could contribute to false passes and false failures; is that

about right? There's an enforcement component, there's a credit component.

VICE-CHAIR COVELL: Maybe a training need component.

CHAIR WEISSER: Training, yeah. Okay.

MEMBER DeCOTA: It could be a testing protocol of what type of test the vehicle is doing. Not to put you on the spot but just for my own education, and you know this, I know. Where's the false failure rate highest, in what type of test?

MR. CARLISLE: That I don't know.

MEMBER DeCOTA: Really?

CHAIR WEISSER: Sure put him on the spot.

MR. CARLISLE: Yeah, good job.

MEMBER DeCOTA: I think it's the test-only.

CHAIR WEISSER: What a shock. The people that think that this merits investment of the committee's time please raise your hand. Six. Okay.

MEMBER MARTIN: Vic, one piece of this that is difficult to quantify is people bringing their vehicle to a test-and-repair oftentimes it really is a hassle to drop your car off, find other travel arrangements to get to work so people try and coordinate getting their maintenance done as well as getting the inspection done, and it's not an uncommon scenario to have somebody have their car written up

for a maintenance repair and also have a Smog Check test done at the same time.

CHAIR WEISSER: That's what I do.

MEMBER MARTIN: And I can guarantee you that by and large most of those tests are performed after the maintenance is done, because if it fails and the maintenance would have fixed the problem, you're going to deal with an awfully hot customer at the end of the day asking why didn't you test my car after I paid you the \$350 to perform that maintenance work, fool? By the way, this is the last time I'm coming here.

CHAIR WEISSER: That was a good quote.
Jeff.

MEMBER WILLIAMS: I'm just a little confused as is this a separate item?

CHAIR WEISSER: Well, I don't know. It could go to enforcement. I don't know where to put it.

MEMBER WILLIAMS: It seems mostly that it's number 2.

CHAIR WEISSER: I think we may want to look at this through a variety of angles. We may want to look at it as a standalone item because of this issue impacting on how much credit the program is getting in addition to the data flaws that could emerge out of this, but I don't know. Jude.

MEMBER LAMARE: Actually, it sounds like it should be included within the other major items as something to consider.

CHAIR WEISSER: As a subset?

MEMBER LAMARE: Rather than a standalone item.

CHAIR WEISSER: Not a standalone item. Bob?

MEMBER HISSERICH: Not to complicate your life, but the items on the other sheet, these we set aside or no?

CHAIR WEISSER: Now, I forgot. Thank you. How many people want to slide this into item number 2, raise your hand. Four. How many would slide it under enforcement? one. How many would have it as a standalone? One. So it will now move to item number two.

These other ones, Dennis's plea that we add the idle test to the ASM. During lunch I found out that in fact they had studied this about five years ago. They claim that it wasn't cost-effective because most of the problems of the idling were caught during the ASM. Others are working off of practical experience and kind of gut understanding of how engines operate are saying it just doesn't sound credible. So how many folks would like to have this on our list, please raise your hand. That seems to be very strong.

The VID accuracy, and I don't pretend to understand what this one means.

MR. CARLISLE: I think it wasn't so much the accuracy of the data that was stored but how you define various tests.

MEMBER DeCOTA: And how you come up with the performance of the information on the VID as far as the testing. In other words, your report card that is produced.

MEMBER LAMARE: Does that relate again to number 2, the comparison?

MEMBER DeCOTA: I would think it does. I would also say that number 1 comes under number 2.

CHAIR WEISSER: BAR budget. Let's just kind of see where the monies come it, where is it going, how much is going to support DCA operations, where is it all going. How many people would like us to spend a little time on that? Okay.

And roadside testing, this was the question associated with the adequate staffing of roadside testing or the absence thereof.

VICE-CHAIR COVELL: This is different from remote sensing, right?

CHAIR WEISSER: Well, it's kind of separating it apart, because it looks like they robbed Peter to pay Paul in terms of —

MEMBER LAMARE: But isn't that part of the budget issue, where the money went?

CHAIR WEISSER: Yeah, but it's also part of the data.

MEMBER LAMARE: But the subquestion, why aren't we getting adequate roadside testing and what does it cost to get adequate roadside testing?

CHAIR WEISSER: I think it's standalone, personally. There's a whole bunch of things that roadside testing does, not the least of which is get at unregistered vehicles and do some real calibration of much of the modeling that's done.

VICE-CHAIR COVELL: You know, from the perspective of us being required to assess the effectiveness of the program and how we can improve it, I think there's a valid piece here from the perspective of catching unregistered, as you mentioned. In addition, unless I'm wrong here and misunderstand it, there's the opportunity to get some assessment of the durability of repairs.

MEMBER DeCOTA: I agree.

CHAIR WEISSER: Okay. Now, what we could do is try to go back to Rocky's breakdown of items, of which there were five, and see how they match up with these, or we could just see who would want to do what, start getting volunteers. You don't like volunteers, Jude?

MEMBER LAMARE: Well, some of these items are quick and dirty and some of them are more demanding and we're going to need to distribute them among subcommittees in a way that's equitable so that each subcommittee sort of has the same amount of work to do, and that's not going to be easy because we've got a lot of apples and oranges.

COMMITTEE MEMBER: Is it possible to give an assessment of those (inaudible)?

CHAIR WEISSER: Well, we all can do that assessment, we can walk our way through this. So we'll do a very quick assessment of high and low effort.

I imagine, but I think the percent to test-only is of low effort. We should have the numbers. The controversy around it (inaudible), but the data analysis part is going to be very simple. The discussion of its implications, I'd still think is going to be relatively simple, so I'd put that as a low effort.

Program avoidance.

I would think the BAR budget should be relatively low in terms of where the money's coming in and where it's going, I think it'll be an easy data collection and analysis effort.

I would suspect that the roadside testing in terms of the budget issues associated with it is going

to be pretty easy. The data issues, why it's important, somewhere between easy and medium, in my estimation, so I put relatively low there.

Add the idle test to the ASM, I'd characterize that as relatively low to medium. What do you guys think?

MEMBER PEARMAN: I think Dennis was saying that one might well fit under that number 2, I think I heard him say that.

MEMBER DeCOTA: I thought it would fit under 2.

CHAIR WEISSER: You mean the new 5. That's this one.

MEMBER DeCOTA: Okay, new 5.

CHAIR WEISSER: You think it would, Dennis? Adding the idle test would fit under test-and-repair/test-only?

MEMBER DeCOTA: Well, I don't know. From the standpoint of I don't really understand how this would work, but let's say that it was under 5 and that there was some type of statistical issue that somebody had a question about. Could we go to someone that's on the committee but not on that subcommittee to ask them how that ties?

CHAIR WEISSER: Yes.

MEMBER DeCOTA: Okay.

CHAIR WEISSER: So adding the idle test I suspect is going to be somewhere around medium.

MR. CARLISLE: I think it's low.

CHAIR WEISSER: Low effort?

MR. CARLISLE: Yeah, because I think some of that work's already been done in some cases.

CHAIR WEISSER: Any objections to set it low? Okay.

MEMBER DeCOTA: I have no idea how to answer your question. I mean, I have to go with what Rocky's saying.

CHAIR WEISSER: Obviously. The BAR report, quantify the emission reductions, quantify the improvement in air quality.

MEMBER PEARMAN: Without the actual BAR report it's hard to know whether to put it high or low.

CHAIR WEISSER: We'll put a question Mark. I think you're right.

The test-and-repair/test-only, Gold Shield, VID accuracy, preconditioning. High.

Program avoidance.

MEMBER MARTIN: Impossible to quantify.

CHAIR WEISSER: We need to define this. What I suspect that we really would want to do here, and correct me if I'm wrong, is to really pursue the point that Norm raised, that while the incidence of

avoidance is very low, that an awful lot of the avoiders are going to be the high polluters, and it would be, I think it might be helpful to actually know if that's true. I don't know how you'd get to know it because they're avoiders, other than remote sensing.

MEMBER DeCOTA: But if you could take those vehicles and look at them as they compare to the HEP, that might help you from the standpoint because they're notified that they are a high emitter profile, in that regard those are probably the highest percentage that are avoiding.

CHAIR WEISSER: I don't understand how to frame this one. Bruce.

MEMBER HOTCHKISS: I think it's going to be kind of high. It would take a lot of digging on it. Dennis is right; a lot of the vehicles will be high emitter, probably a lot of the vehicles are going to be older, and you're going to be looking through a lot of vehicle data information to find out what kind of vehicles are avoiding and what year are they, do they fall into the HEP.

CHAIR WEISSER: Okay, you've convinced me it's high.

The preconditioning we shoved up there.

The consumer information I think is going to be high. This could entail a survey. It certainly

will entail a review of the existing of potential tools. I think it's going to be high.

And that's it on this side of the equation. I'm not looking at the non-quantifying portion of the BAR/CARB report.

COMMITTEE MEMBER: And did you put something about the HEP, item 7?

CHAIR WEISSER: No. Thanks.

COMMITTEE MEMBER: Medium.

CHAIR WEISSER: And all this is pure guess. Okay. So you asked and received.

Rocky, is there a rational way to relate what your proposal was to this new list or are we better off starting anew?

MR. CARLISLE: Actually, up until the time we added these other items we only had one difference. For example, we've got evaluate and compare various station types, item 5 now. Program avoidance, we've got that. The HEP evaluation and percentage of vehicles directed to test-only. We added in place of the one we eliminated consumer information. And the preconditions, so we've broken it down into four additional issues.

CHAIR WEISSER: Well, one way to try to skin this cat would be to ask which ones you want to work on and see if that won't result in evenness. We'll have to kind of mush people from one to another.

Everybody is going to have to work on at least one issue plus maybe a BAR issue, and some will have to work on two subcommittees. Dennis.

MEMBER DeCOTA: You know, Mr. Chairman, due to the fact of the committee background of each individual and already answering my question on one committee member can go to any committee member for advice on an issue, why wouldn't you just assign us since you know where our expertise in the industry lies these things, why should we even get into this exercise?

CHAIR WEISSER: Well, I think that there's some value, frankly, in mixing and matching people, Dennis.

MEMBER DeCOTA: It seems to bog it down.

CHAIR WEISSER: Okay. I was really impressed with the thoughtfulness of Rocky who, when he tried doing his initial thing he looked at let's get a member with some experience and a member without that much experience, let's try to balance geographic areas so that they could have a better chance of meeting together, and then of course he ended up using the dart board approach.

COMMITTEE MEMBER: One way is just to have Rocky look at the template he had before. What matches, matches, and then there will be like three or four that don't match and those things that -

CHAIR WEISSER: I think that's a great idea, and what I'm going to do is ask Rocky to first put down the ones that were in the old template, and then – you don't have to do it this instant, Rocky.

MR. CARLISLE: Okay.

CHAIR WEISSER: And then you're going to be abler to suggest the ones you think might fit, and while Rocky's doing that we'll take a ten-minute break.

(Off the record)

CHAIR WEISSER: Come back into order. Before we go any further, what I'd like to do is ask Vice-Chair Covell to make a comment or a question, and then we're going to move into public comments on our discussion of focus for the IMRC efforts. Norm.

VICE-CHAIR COVELL: Thank you. I think the thing we have to do now, going back to the issue I raised this morning, the charge to this group. First of all, I need to understand for myself the items that we've listed up there, is it the understanding of the committee that when these topics are successfully dealt with in our minds that this will encompass what the report needs to contain, and then from that will be findings that will effectively improve the program if implemented.

I think the first question that we need to ask ourselves, does this cover the array of activity

that the committee needs to involve itself in to have a complete report, and I think in doing that we need to invite comment from the public that's here today to provide input as to whether they feel these topics cover everything or whether they don't, whether they make sense or they don't, and if they've got any thoughts about whatever topics we may have missed that need to be included in that report.

— oOo —

CHAIR WEISSER: That's an outstanding comment. Any other comments before we move into the public discussion? Okay, we are now open for public comments on this portion of the agenda. We'll start from the left, Mr. Peters.

MR. PETERS: Mr. Chairman and committee. I'm very confused (inaudible) Mr. Covell. I don't see how these issues of discussion are addressing the requirements that I perceive the committee (inaudible). I see no definition of what you're trying to accomplish. I see a whole lot of discussions about the design of (inaudible) but we haven't even decided what we're trying to do. I see no evaluation of definition of what is going on here.

If you're going to assume that the Bureau of Automotive Repair and the Air Resources Board is going to tell you everything you need to know about (inaudible) discuss a bunch of minutiae, (inaudible)

go forward with the remote sensing program and eliminate the automotive repair industry probably what you're doing today is quite appropriate.

If not, if you're going to in fact evaluate program performance, you need to define what that is, define what it means in light of what your goals are and what you're going to accomplish here.

As an example, been lots of discussion about what the program is supposed to do. It's supposed to develop 114 tons per day of emission reductions in the enhanced program. Is that what you're here to evaluate? Are you here to evaluate total reductions of fleet emissions? What are we trying to accomplish?

Another thing that is absolute missing here that I have not heard at all is the most important technology that there is. Unless you have somebody who is going to in fact make a contribution and do something to serve the public and (inaudible) prevent pollution and impact the total fleet emissions, this whole thing is a facade. It's a dance to do something entirely different from what I had heard this committee is supposed to do, which is evaluate the program and make suggestions of how to improve it. You're discussing minutiae of what color the bulb inside of the left fender is going to be and not addressing what I perceive to be the things that

you're supposed to be doing, which is evaluating what it is and how to fix it. Thank you.

CHAIR WEISSER: Thank you, Mr. Peters.
Mr. Trimlett.

MR. TRIMLETT: Len Trimlett. Consumer acceptance of the program. The high emitter profile, quantity directed to test-only. A person fails, he either goes to a test-and-repair and then comes back to a test-only or he goes to a Gold Shield and gets repaired. Consumer acceptance of that thread, including the fact that now the person knows he's going to test-only, would make him want to get a pre-test. Looking at how many vehicles are pre-tested so that BAR's infamous (inaudible) so many statistics doesn't work.

Looking at that thread, consumer acceptance of that test-only program, how well they're informed of what's going on, whether they approve or not, make that a thread and you've combined about four or five of those pieces there and you've got something that's meaningful.

As far as me as consumer acceptance of a test-only, I don't accept it. You haven't shown me any justification for test-only other than to wipe out Dennis DeCota, Larry Armstrong and a thousand other qualified test people that can fix a car. A test-only person cannot fix it, they can't even tell you what's

wrong with a vehicle. Consumer acceptance of the test-only system would be a good thread. That's my comment. Thank you.

CHAIR WEISSER: Thank you, Len.
Mr. Armstrong.

MR. ARMSTRONG: Thank you, my name is Larry Armstrong. I've got a list of quick things that I've listed as comments were going on, but I'm fearful of spending my time there, so if you'd allow me I can read that list quickly afterwards.

I brought just a little put-together presentation and if maybe you could take a look at what I brought up today. The back page, I read it to you one time (inaudible) Mr. Cackette's comments about the Smog Check Program in California. On an airplane going back maybe you could take the time to reread his comments. I have a lot of things that I disagree with Mr. Cackette about, but the importance of the Smog Check Program I probably agree with his comments.

I provided a letter on the 8th of January to the committee with my ideas about what ought to be important. I show you a copy of a brochure that the Bureau of Automotive Repair put out talking about smog reductions. I also put a letter that ironically is within a few days of a ten-year-old letter that probably gives a little bit of an idea of where we're going and how fast we're going there, because in that

letter, if you look on the fourth page of that letter, I proposed a flag system that easily added to the Smog Check Program and would have provided a self-policing program that would have put smog station technicians if there was a difference in there. Maybe if you've got the time to review that, I honestly believe that that one thing could have created more improvement in the Smog Check Program than anything you've talked about today, up to and including equipment that we were forced to purchase and any benefit from test-only and all of those things in there and that one thing would have produced more benefit, but it's not my idea.

I think it's important that I talk to you about our business plan for our business, that right now next week we're going to spend all evening and the next morning meeting with our people to talk about a means of survival, because what my state has done to me is ask me to buy \$80,000 worth of equipment and then volunteer to take away 50 percent of my customer base, and the chances of survival out there for anybody that has ever spent any time at all caring about the Smog Check Program start to go down towards zero.

CHAIR WEISSER: Larry, I'm going to ask you to continue standing there but interrupt you to find if there are any other people at this time in the

public who would like to make comments, and if there aren't I will let you continue for one more three-minute period.

Are there any other comments from the public? Larry, would you come back and finish up your comments? Would you start the clock again?

MR. ARMSTRONG: Thank you. I'm going to through and just read this list because I think I might be able to do that in three minutes.

There was talk about trucks in the Smog Check Program. My personal experience is I don't think those trucks are in the Smog Check Program. I have never had a single complaint from our people. We operate on small lots and I've never had anybody say what do I do with this big truck that's in here, so I don't think they're getting tested at all. The concept that we don't get any of them seems strange to me.

The comments about the 30-year rolling exemption, there was a comment about the responsibility of the committee that I think Mr. Covell made that I did not realize was in there that was instructions to the committee to provide specific language for suggested changes, and I don't know that the committee did that. They may have, but I thought that was interest.

Avoidance of the program, I'm going to tell you most of it is legal. Most of it is caused by the state. Charlie Peters has come in here numerous times and suggested that they change the zip code system and basically just rotate the thing around on its head and instead of calling specific cars in for a specific kind of test, just reverse it around and call out the specific cars that are excluded from the test and then cause everybody else to have the test. That would eliminate the vehicle that is registered in the State of California but the mailing address is in Illinois somewhere, and those cars would get called in on the system like that.

Personally, I would like to know how I can get access to information that's being provided to the committee. That's a request, because I'm sitting out here in the audience in the blue because I don't get to know what it is that you folks get in these packets, so I would certainly like to have it be accessible to me.

Repair waivers. It was my understanding that the original 450 repair limit was not even a limit, it was some kind of verbiage that went on but it was supposed to get adjusted by cost of living, if I remember correctly, and if that was done in the last ten years there's been a heck of a lot of -

CHAIR WEISSER: I think it started at 250, if I remember correctly.

MR. CARLISLE: Yeah, but in '97 it sent to 450 with the implementation of ASM.

MR. ARMSTRONG: My feeling on listing vehicles that are so-called bad vehicles, all you're going to do is incur the silent wrath of the automobile producers and they're going to do everything they can to discredit this committee, and I would suggest that you stay away from there.

VICE-CHAIR COVELL: Could you repeat that, Larry?

MR. ARMSTRONG: I think that in actuality what you would get is not what you think you would get, because I think if you take a '96 Chevrolet, if those vehicles all fail for EGR, I think what's happened today, General Motors would have figured out how to correct that situation because they don't want their cars to fail. So it could be that that car purchased today is better than all of the rest of them, but if you go out and say '96 Chevrolets are bad, people are going to make the assumption that 2004 ones are bad, which could be the exact reverse of reality. Does that make sense?

VICE-CHAIR COVELL: So your point is then not to make an issue of what, the high emitter profile makes and models and a buyer beware program -

MR. ARMSTRONG: I don't think I would do that, even though it has a touchy-feely kind of a thing, I think I would stay away from something like that. And incurring the wrath of the automobile manufacturers, they have a lot of influence and it might not jump up and be entirely visible, but that influence is out there and if you irritate them for something that I don't think is going to have any benefit to the public doesn't seem to make any sense to me.

Test-only versus test-and-repair. The previous committee there was a fellow named Tom Wenzel that was with Lawrence Labs that several times said that when the same vehicle was compared the failure rate was the same, and we have consistently ignored that as the viability of my business is being destroyed for what I see is no reason at all. For the same reasons I would question the validity of the gross polluter and if that causes people to do things in order to protect themselves and protect their business and protect their customers that generate statistics that look like something they aren't.

Thank you very much.

CHAIR WEISSER: Thank you. And Larry, if you feel like, you're perfectly free to jot down what you've just told us and send us an email or letter and we'll make sure that everyone gets it.

MR. ARMSTRONG: Fine, I will do that.

CHAIR WEISSER: Are there other members of the public who would like to speak a second time? Len.

MR. TRIMLETT: Len Trimlett. One additional item that should be up there, rental cars. Airport rental cars or U-Haul, most of those are registered out of state. Look at all your U-Hauls, registered out of state but high mileage in the state. Rental cars, registered out of state but high mileage in the state, particularly the ones at airports. Bring those back into the program. Thank you.

CHAIR WEISSER: Thank you. I've heard it suggested that some special sorts of things need to be done on rental cars, not so much for the out-of-state, but because they're actually not a great percentage are out-of-state that operate in California, but they are high mileage cars and they tend to go through their emissions control equipment faster than a normal car. Thank you.

Mr. Peters.

MR. PETERS: Charlie Peters. Mr. Chairman and committee, the issue of avoidance of Smog Check, I'm sure no one here has ever seen a U-Haul (inaudible). You'll find a bunch of them in every town. Probably in this town there are probably a dozen significant U-Haul facilities and they have 20

or 30 trucks each. You go look at them you'll find that virtually every one of them has an Arizona plate. None of them ever gets a smog check. None of them appear to contribute to the California budget, and that's one of example after example. (inaudible) we're doing everything we can and we use remote sensing and so on, of course, none of those cars ever get included in anything. The company that used to do 95 percent of all the (inaudible) for the entire country, every one of their vehicles was registered in Chicago, has a California plate. Two-ton vehicles running down the road, never gets a Smog Check. There is a whole bunch of those, huge fleets, individual ones, and there's nothing we can do to clean up the air.

Put those cars in the program, at least take a look at them and evaluate if they're there. They are there. U-Haul is just an absolute in your face example.

I've only been carrying this message since 1991 and it's been brought up a number of times, and I guess they've got too much political horsepower for anybody to consider, but the air is more important than that.

CHAIR WEISSER: These are cars that have California registration but they use an out-of-state

address for their mailing address; is that what you're saying?

MR. PETERS: U-Haul has an Arizona plate on virtually all of them.

MEMBER DeCOTA: Safety Klean has Chicago.

MR. PETERS: Chicago registration, they're not required to have a Smog Check.

MEMBER DeCOTA: Do those trucks meet the weight requirement to be in the program?

MR. PETERS: They're gasoline powered vehicles, they have to have a Smog Check.

CHAIR WEISSER: They have to be light duty trucks, and I'm not sure -

MR. PETERS: They're gasoline powered vehicles. All gasoline powered vehicles in the State of California require a Smog Check.

CHAIR WEISSER: No, that's not true.

MR. PETERS: Oh, really?

CHAIR WEISSER: That's correct.

MR. PETERS: I think if you asked the Bureau of Automotive Repair you might find different, sir.

CHAIR WEISSER: Is there anyone here from the Bureau of Automotive Repair? Mr. Goldstene, could you quickly answer.

MR. GOLDSTENE: I want to say -

MEMBER DeCOTA: It's 8500 pounds, I believe.

CHAIR WEISSER: Mr. Carlisle.

MR. CARLISLE: There is not weight limit on the two-speed idle test for any gasoline powered vehicle in the state, but there is a weight limit for ASM of 9,999 pounds.

CHAIR WEISSER: I stand corrected. Thank you, Mr. Peters.

MR. PETERS: You're quite welcome, sir. Appreciate you having a little bit of consideration.

CHAIR WEISSER: Thank you. Okay. I would like to -- Mark.

MEMBER MARTIN: I'll go ahead and do my own unscientific review of a couple of U-Haul facilities before our next meeting. I don't mind adding that to my other duties.

CHAIR WEISSER: Very good.

MR. PETERS: Can I finish my comments?

CHAIR WEISSER: We've got 27 minutes to do a lot of work.

MR. PETERS: I would just say to you, Mr. Chairman, that if somebody wishes to I believe if they go to the (inaudible) they've done thorough studies of all those fleets and what's going on and that is attorneys at CARB at this point, so there's lots of homework been done there that could be the information that you wish.

CHAIR WEISSER: Thank you. Larry, real short, okay? We've got to wrap this sucker up.

MR. ARMSTRONG: I'm just going to make a very short comment and I'm going to say that it is very frustrating as a member of the public to sit in the audience and wait until all of the things at issue are done and then the committee solicits public comment, and basically it's kind of like pretty much the horse is out of the barn and now we're going to have public comment, and that's really frustrating.

I don't think I'm exaggerating when I tell you that I probably have more experience at what you people are doing than 90 percent of the people on the committee and I try to have pertinent things that I can add into what's going on, and if it's already done, it's really difficult to just sit there and watch the thing go and be excluded as part of it. Thank you.

CHAIR WEISSER: Thanks, Mr. Armstrong. I appreciate those comments, and I think like many other bodies similarly constituted also kind of frustrated by the need to try to maximize the amount of time we can work together and also allow for public participation. It occurs to me that if we were to open things up in the front end for public comments on an issue, then go into our discussion on the issue, then have another public comment period, while you might feel better, it's going to take time away from the very limited time that we get to talk among

ourselves. So I'm kind of sixes and sevens on this, Larry. I'm sensitive to what you've put forward and I will give some consideration to what we might be able to do to make it better. I'm just not sure there is a terrific way.

I would like to at this time to return to Norm's comment prior to the opening for public comments kind of asking us to step back a few paces and look at what issues we've identified as worthy of investment of time and listen and react to the public comments that we've heard associated to are we chasing gnats, are we missing big picture issues. And I think it's an excellent warning and a good exercise for us to be considerate of.

We're dealing with a program that effects 11 million motorists a year, thousands of small businesses, and the health of virtually every California citizen. We have a program that has achieved some 60 percent of what we had hoped it would achieve in 1994 in the state SIP at that time. We have a program where 75 percent of the monies that are expended on it are going into testing and only 25 percent or less are going into actual repair. So that admonition from the public and from Norm I think is well directed.

That being said, we've come up with a series of issues that what I would do is suggest that at

least tentatively the committee adopt as its scope of review, subject to revision at a future meeting, but that it be our initial focus, and that you direct the chair and the executive officer of the committee to attempt to come up with a pairing of IMRC committee members to get to you with that in about a week so that we can begin actual work on the topics at hand. If you would like, I could read those out into the record, but I'd like some space in order for the executive officer and myself to come up with an appropriate list of which committees would be established, so I'm putting that out as an idea to try to solidify the ground that we've taken at least so far today.

Comments or questions?

MEMBER MARTIN: Sounds fine to me. I think you should read out the —

CHAIR WEISSER: Okay, let me read it out. After I do that I'm going to ask for a motion and a second and a vote on these categories.

The areas that we've identified as stemming from the BAR/CARB report, we have the quantification of emission reductions and improvement to air quality, kind of the program effectiveness.

We have the clean screening for years five and six. This one and numbers 1 through 8 down here are findings that we heard that we believe are going

to be translated into recommendations in the actual final report. So we have clean screening for years five and six, more frequent inspection for older vehicles, annual testing for high mileage cars, immediate smoking vehicle test program, as I understand it, adding a test for smoking vehicles, deleting the change of ownership for cars two years and younger, improving the performance of cars after they fail a test and are repaired, presumably by having higher cut points for passing the test after you've once failed, requiring more significant and/or more durable repairs. The eighth one being improving performance by a more effective enforcement program, which BAR meant more staffing, but we seemingly are going to go considerably broader in that area.

In addition to those areas, we would have the examination of whether or not we need to have idle test added to the ASM, a review of the BAR budget with particular emphasis on the flow of the monies in and out of BAR. My sense of this would be less attention to internally how BAR is using the money, but more making sure we understand where the money comes in and examining any other budget issues that come up.

The third is roadside testing, and that has a budget component in it as well as a data accuracy component in it.

The next would be the effectiveness of test-and-repair/test-only/Gold Shield. There are things associated with VID accuracy. How many vehicles are being directed to test-only, we can do the math and maybe put this issue to bed, though frankly I'm not optimistic in that regard. It's a very large issue.

The issue of program avoidance. What we heard in part from the audience I think needs to be added into this issue.

Next is the HEP profile.

The next is consumer information/public education issue, and that might entail some survey work where we will need dollars for contracting.

I didn't mention the issue of the preconditioning pre-test issue in terms of the discussion we had regarding its potential to instill data flaws and give false impressions of passes and fails. That would be included in the test-and-repair/test-only/Gold Shield group.

That is my understanding of the categories that we have agreed to focus on at this point in time. Any discussion on that? Will someone make a motion to adopt these as our scope of review at this point in time?

MEMBER MARTIN: So moved.

CHAIR WEISSER: Mark moves. Is there a second?

MEMBER HISSERICH: I'll second.

CHAIR WEISSER: There is a second from John. I now open it up for discussion, and in particular discussion about Norm's issue of is this a good scope of work for us. This is going to be something we are going to rise and fall on over the next seven months. Norm.

VICE-CHAIR COVELL: I'm somewhat handicapped here in that I missed the meeting wherein the status of the report to date was presented by both BAR and CARB, the February meeting, I was not able to be here. Given that, I don't know what got talked about, but as I look at this, I would say that there's some other key factors that I know were issues of concern in previous evaluations, and I just tossed them out there for comment back from perhaps Rocky or the public here in terms of how they see this.

Previous reports have shown that we hadn't arrived at the cut points that the program needs to be at to optimize the emission reductions. There has been improvement in that regard. I don't know where we are in relation to where we need to be to optimize the effectiveness of the program, so that's a question.

The second thing was the evaporative loss side of this thing and the limited ability of the industry to be able to test vehicles regarding evap

loss and so on led to a shortcoming and a recommendation for improvement there to determine what we could get emissions-wise.

Are the vehicles in the program that were projected to be in the program. I raised that issue this morning in terms of the heavy duty gas vehicles. I heard Larry say none of them has come through his shop. Are they in the program or aren't they? I don't know if we've covered that in the issues we've raised here.

One thing that we did talk about is areas that the program is implemented in. Whether it's an appropriate approach to rely on the air districts to come forward with zip codes as they build out or we build something else into the law that automatically brings those in as they build out and the bureau goes out and implements the program in those built-out areas without any further action. That needs to be looked at.

This gets back to your issue, Charlie, about we've got all these vehicles running around and nobody's acted to bring those zip codes into the program.

So those are questions I'd raise that have been problematic in past reviews of the program, and targeted for areas of improvement in the future. So I toss those out on the table. Maybe they don't need to

be added to this list right now because they're fixed, and maybe they aren't, but I'd like some feedback from perhaps Rocky and the public on those things.

MR. CARLISLE: With regard to the cut points, if I'm not mistaken, I think BAR has reduced those to what they call SIP-like cut points, so they are very close to probably the lowest they can be. Statutorily we can't go any lower than the manufacturer certified the vehicle to.

Secondly, on the fuel evap, next month we're going to have a presentation from the Bureau of Automotive Repair on the potential benefits of fuel evap, and also from the manufacturers as to their status, what the potential costs are, and their side of the story. So I'm hoping we can contain that to maybe the first couple of hours in the morning so the majority of time can be devoted to program evaluation. I kind of doubt that.

CHAIR WEISSER: Jude.

MEMBER LAMARE: I think Norm is right in identifying these as issues, but I believe that when ARB and BAR came before us they started off their presentation clearly identifying that in their report they will review past recommendations from the prior year report, what has happened to implement those recommendations and where we are, and as I recall their verbal report, it was fairly positive. And they

also had some other things to add that have been added to the program since the 2000 report that added improvements to the Smog Check Program.

So it was my expectation that where we go and review the ARB and BAR report for its emission reductions program improvements that we will cover all of the things that you specifically listed in your concerns, and that they don't need to be added to a list because they're encompassed within the review of the ARB and BAR report.

CHAIR WEISSER: Mr. DeCota.

MEMBER DeCOTA: The problem is that these issues have been around for many, many years and they are not addressed in that report, and that is the basic problem and frustration that's being felt by industry.

MEMBER LAMARE: Are we talking apples and oranges? He said NOX cut points, the expansion to the different zip codes that were included, you know, the ABC of the 2000 report.

MEMBER DeCOTA: Absolutely not. From the standpoint of your point as far as program avoidance, where is that in the recommendations?

MEMBER LAMARE: I guess I just missed it; maybe it's too late for me, because when Norm talked about what he talked about, what I heard was are we going to deal with the stuff that was in the last

report, the July 2000 report, the recommendations for change, the things that ARB and the BAR recommended at that time, that's what I heard.

CHAIR WEISSER: My recollection from the presentation is that they are in the report going to be addressing the recommendations that they had made and highlight and outline those that have been implemented versus those like the 30-year rolling exemption freeze that have not, they will explicitly address. And I think that was in direct response to a question that I made of them as to asking them to list what did they recommend that they haven't been able to do or haven't done on their own accord.

That being said, it certainly would not be out of the scope of issue number 1, Norm, for that group to be covering each of the four issues that you raised.

Other comments or questions? Yes.

COMMITTEE MEMBER: To follow up on Mr. Peters' point there about the U-Haul, I appreciate that Mr. Martin wants to take a look, but he did include in his document here a letter from the ARB in which they looked at this in 2003, and the indication is that 206 vehicles inspected, and they don't give any numbers, but the newer ones were California certified, but that the federal ones, they call them meeting federal standards. They don't say what

proportion of the 206 that were. All had in excess of 7600 miles in which they were then classified as used vehicles and were, according to the Department of Motor Vehicles, this is an appropriate use of a apportioned registration. In other words, they're used.

That does seem to be a bit at cross purposes with what we're trying to do here. I mean, if they allow them to come in and be registered if they've got 7600 miles, there probably is some economic incentive on the part of U-Haul to put a few miles on them out of state, bring them in and use them. Now, I don't know how many of these in the big scheme of things of 11 million tests a year, that may be a relatively small number, but it does seem to be something that is a big concern as to one part of the motor vehicle regulation is sort of being to some degree at cross purposes with other aspects of California law in terms of air pollution, so it was interesting to me that that observation was there and I think it would be useful for us to get a little bit more information about that. Thank you.

CHAIR WEISSER: Bruce.

MEMBER HOTCHKISS: It would seem to me that these fleet vehicles that are registered out of state would be a large economic problem than a smog problem in that the state is losing a lot of registration

money. Now, according to that letter from ARB it says that it's within DMV's regulation to do that. Lord knows why, but it's there.

I mean, most of the vehicles, and the same with rental car fleets, are relatively new. Some of the U-Haul stuff is older and may actually be polluting vehicles, but I would think that most of these fleets would have a vested interest in keeping vehicles running relatively well, so I think it's an economic issue. I don't know if that's really part of our area.

CHAIR WEISSER: Okay. Well, we have a motion on the table which has been seconded. Is there any further discussion? Hearing none, may I have by show of voices those in favor of the recommendation to scope out our initial investigations for the Smog Check Program according to the list that I read out to you half an hour ago. All in favor say aye.

IN UNISON: Aye.

CHAIR WEISSER: Any opposed?

MR. TRIMLETT: No.

CHAIR WEISSER: Hearing none opposed, the motion carries unanimously.

Ladies and gentlemen, it's five of four. Is there any new business to be brought before the committee by committee members or the executive officer?

Rocky, I understand that you have ordered a digital projector.

MR. CARLISLE: Correct.

CHAIR WEISSER: And a computer that can use the digital projector so that we might be able to actually during the meeting put stuff up on the wall, which will be a good thing. And you'll be moving here within a couple of weeks; that'll be a good thing.

If anybody had any questions or comments associated with the logistics of the meeting, please call me or Rocky. Rocky?

MR. CARLISLE: I will be sending a notice of change of address in the next week, because we will be moving to 400 R, so interested parties will get that as well.

CHAIR WEISSER: Very good. With that, I'd like to call for a vote to adjourn the meeting.

MEMBER DeCOTA: So moved.

CHAIR WEISSER: Moved by Mr. DeCota.

MEMBER PEARMAN: Second.

CHAIR WEISSER: Seconded by Mr. Pearman.
All in favor signify by saying aye.

IN UNISON: Aye.

CHAIR WEISSER: The meeting is adjourned.

(Meeting Adjourned)

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Dated April 3, 2004.

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